

VA can provide the capacity it needs not only for today but it may need maybe tomorrow. The authorizations for construction and for leases also allow the VHA to continue on its course of shifting the care to ambulatory settings and providing increased access to the health care needs of our veterans in 1998.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I would like to commend the gentleman from Illinois [Mr. EVANS] on his commitment on this bill and also to the gentleman from Florida [Mr. STEARNS] and the gentleman from Illinois [Mr. GUTIERREZ], again, the chairman and the ranking member of the subcommittee, for all their work on behalf of the veterans.

Madam Speaker, I yield back the balance of my time.

Mr. EVANS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 2571.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION RESOLUTION AND ADJUDICATION ACT

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1703) to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 1703

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act".

### SEC. 2. EQUAL EMPLOYMENT RESPONSIBILITIES IN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—(1) Chapter 5 of title 38, United States Code, is amended by inserting at the end of subchapter I the following new section:

#### "§516. Equal employment responsibilities

"(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

"(b) The Secretary shall provide—

"(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

"(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

"(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

"(d) The Secretary shall impose appropriate disciplinary measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

"(e) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

"(f) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 515 the following new item:

"516. Equal employment responsibilities."

(b) REPORTS ON IMPLEMENTATION.—The Secretary of Veterans Affairs shall submit to Congress reports on the implementation and operation of the equal employment opportunity system within the Department of Veterans Affairs. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000. Each such report shall set forth the actions taken by the Secretary to implement section 516 of title 38, United States Code, as added by subsection (a), and other actions taken by the Secretary in relation to the equal employment opportunity system within the Department of Veterans Affairs.

### SEC. 3. DISCRIMINATION COMPLAINT ADJUDICATION AUTHORITY IN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

#### "§319. Office of Employment Discrimination Complaint Adjudication

"(a)(1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.

"(2) The Director shall be a career appointee in the Senior Executive Service.

"(3) The Director reports directly to the Secretary or the Deputy Secretary concerning matters within the responsibility of the Office.

"(b)(1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.

"(2) No person may make any ex parte communication to the Director or to any employee

of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.

"(c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.

"(d)(1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of General Counsel.

"(2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.

"(3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"319. Office of Employment Discrimination Complaint Adjudication."

(b) REPORTS ON IMPLEMENTATION.—The Director of the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs (established by section 319 of title 38, United States Code, as added by subsection (a)) shall submit to the Secretary and to Congress reports on the implementation and the operation of that office. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

### SEC. 4. EFFECTIVE DATE.

Sections 516 and 319 of title 38, United States Code, as added by sections 2 and 3 of this Act, shall take effect 90 days after the date of the enactment of this Act.

### SEC. 5. INDEPENDENT PANEL TO REVIEW EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARASSMENT PROCEDURES WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ESTABLISHMENT.—There is hereby established a panel to review the equal employment opportunity and sexual harassment practices and procedures within the Department of Veterans Affairs and to make recommendations on improvements to those practices and procedures.

(b) PANEL FUNCTIONS RELATING TO EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARASSMENT.—The panel shall assess the culture of the Department of Veterans Affairs in relationship to the issues of equal employment opportunity and sexual harassment, determine the effect of that culture on the operation of the Department overall, and provide recommendations as necessary to change that culture. As part of the review, the panel shall do the following:

(1) Determine whether laws relating to equal employment opportunity and sexual harassment, as those laws apply to the Department of Veterans Affairs, and regulations and policy directives of the Department relating to equal employment opportunity and sexual harassment have been consistently and fairly applied throughout the Department and make recommendations to correct any disparities.

(2) Review practices of the Department of Veterans Affairs, relevant studies, and private sector training and reporting concepts as those practices, studies, and concepts pertain to equal employment opportunity, sexual misconduct, and sexual harassment policies and enforcement.

(3) Provide an independent assessment of the Report on the Equal Employment Opportunity Complaint Process Review Task Force of the Department.

(c) COMPOSITION.—(1) The panel shall be composed of six members, appointed as follows:

(A) Three members shall be appointed jointly by the chairman and ranking minority party member of the Committee on Veterans' Affairs of the House of Representatives.

(B) Three members shall be appointed jointly by the chairman and ranking minority party member of the Committee on Veterans' Affairs of the Senate.

(2) The members of the panel shall choose one of the members to chair the panel.

(d) QUALIFICATIONS.—Members of the panel shall be appointed from among private United States citizens with knowledge and expertise in one or more of the following:

(1) Extensive prior military experience, particularly in the area of personnel policy management.

(2) Extensive experience with equal employment opportunity complaint procedures, either within Federal or State government or in the private sector.

(3) Extensive knowledge of the Department of Veterans Affairs, and particularly knowledge of personnel practices within the Department.

(e) REPORTS.—(1) Not later than six months after the members of the panel are appointed, the panel shall submit an interim report on its findings and conclusions to the Committees on Veterans' Affairs of the Senate and House of Representatives.

(2) Not later than one year after establishment of the panel, the panel shall submit a final report to the Committees on Veterans' Affairs of the Senate and House of Representatives. The final report shall include an assessment of the equal employment opportunity system and the culture within the Department of Veterans Affairs, with particular emphasis on sexual harassment. The panel shall include in the report recommendations to improve the culture within the Department.

(f) PAY AND EXPENSES OF MEMBERS.—(1) Each member of the panel shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the panel.

(2) The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

(g) ADMINISTRATIVE SUPPORT.—The Chairman may hire such staff as necessary to accomplish the duties outlined under this title.

(h) FUNDING.—The Secretary of Veterans Affairs shall, upon the request of the panel, make available to the panel such amounts as the panel may require, not to exceed \$400,000, to carry out its duties under this title.

(i) TERMINATION OF PANEL.—The panel shall terminate 60 days after the date on which it submits its final report under subsection (e)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

#### GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H.R. 1703.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1703 is the bipartisan equal employment opportunity reform bill for the VA. Many committee members from both sides of the aisle contributed to this bill.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as my colleagues know, the problem of sexual harassment is not new to our society or our Federal work force. It has only been in the past decade or so, however, that Congress has begun to truly recognize the depths of the problem and attempted to eliminate it from our workplace.

Recent testimony before the House Veterans' Affairs Subcommittee on Oversight and Investigations has shown that sexual harassment has been far too commonplace at the VA over the past few years. Despite what I consider to be sincere efforts of VA Secretary Jesse Brown and his successor, Hershel Gober, VA's "zero tolerance" policy against sexual harassment has failed.

VA's zero tolerance policy was placed in effect in 1993 after the Subcommittee on Oversight's hearings showed a seriously flawed EEO process and a culture of tolerance toward sexual harassment at the VA. I chaired those hearings back then, and I also fought to overhaul the EEO process within the VA at that time.

Thanks to the collective efforts of our past chairman, Sonny Montgomery, the gentleman from Arizona [Mr. STUMP], our current chairman, the gentleman from North Carolina [Mr. CLYBURN], the subcommittee chairman, and the gentleman from Florida [Mr. BILIRAKIS], and others, the House passed legislation during the 103d Congress that is nearly identical to the bill that we are considering today.

Given the promises of comprehensive Government-wide EEO reform, however, the Senate did not act on this piece of legislation. Nearly 5 years later, there has been no Government-wide reform of this process, there have been no major overhauls of the VA's administrative process, and VA's well-intentioned zero tolerance policy has proven to be ineffective.

But thanks to the leadership of VA's Oversight Subcommittee Chairman, TERRY EVERETT, the Committee on Veterans' Affairs has continued to keep a watchful eye on the VA's efforts to eliminate sexual harassment in the workplace. Joined by the gentleman from North Carolina [Mr. CLYBURN] and Republicans, the gentleman from Florida [Mr. BILIRAKIS], the gentleman

from Indiana [Mr. BUYER], and the gentleman from Arizona [Mr. STUMP], TERRY and I introduced this bipartisan legislation that we are considering today on the floor of the House.

I commend the gentleman from Alabama, [Mr. EVERETT], for fighting the good fight, and I look forward to the passage of this legislation this afternoon.

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No one should think that we in Congress will be able to completely end sexual harassment, discrimination and abuse at the VA or anywhere else. Still, we can play a significant role in bringing renewed professionalism, independence and objectivity to the EEO process at the VA, and that is exactly what we will do by enacting H.R. 1703.

By removing the EEO complaint process from the facility where the discrimination allegedly occurred, this legislation limits the ability of heavy-handed facility directors to unfairly influence the discrimination complaint process. By removing the final agency decision-making authority from the VA's office, this legislation eliminates the obvious conflict of interest created when the general counsel is expected to be an advocate for the VA on one hand, and to decide the merits of discrimination complaints against the department on the other hand.

By enacting this bill, we can address these serious flaws and bring renewed independence, objectivity and professionalism to the EEO process at the VA.

I am pleased to say that VA Secretary Hershel Gober has acknowledged that the VA's current EEO process is flawed and in need of reform. In anticipation of this legislation and similar legislation in the Senate, Mr. Gober has already initiated administrative changes to the EEO process which would bring the department much of the way toward achieving the reforms originally proposed in 1993. I applaud his leadership and his demonstrated level of commitment on this issue, but it is still up to Congress to make sure that the VA does all the work it needs to do for this issue to be addressed.

The Congress cannot and should not be expected to wait any longer for meaningful reform of the EEO process within the VA. More importantly, this Nation's veterans and the VA employees dedicated to serving them cannot be expected to wait any longer for meaningful action and honest reform to come to the EEO process at the VA.

By enacting H.R. 1703, we in Congress can help put the VA back on the path toward restoring employee trust and eradicating discrimination in the workplace. Our veterans and VA employees deserve no less.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT], the chairman of the Subcommittee on Oversight and Investigations.

(Mr. EVERETT asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, I rise in strong support of H.R. 1703, as amended, the Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act.

This legislation has grown out of oversight activities of the Committee on Veterans' Affairs Subcommittee on Oversight and Investigations which was reestablished at the beginning of this session. I will outline the bill shortly, but first I want to give my colleagues some background on issues which led to it.

In 1993, as a result of committee hearings led by the gentleman from Illinois [Mr. EVANS] on serious sexual harassment cases at the Atlanta VA Medical Center and elsewhere, the House passed a bipartisan bill, H.R. 1032, to strengthen the VA's EEO system. The gentleman from Illinois [Mr. EVANS], now our committee's ranking Democrat, was one of the authors of that bill.

The VA opposed the bill and it died in the Senate, as the gentleman from Illinois has indicated. Nevertheless, the VA promised to address the EEO problems the committee had identified. To make a long story short, it did not happen.

Then came Fayetteville earlier this year. This past April 17, the Subcommittee on Oversight and Investigations, at the request of the gentleman from Florida [Mr. BILIRAKIS], an active member of our committee, held a hearing on allegations of sexual harassment and other abusive treatment of employees at the Fayetteville VA Medical Center in North Carolina. Five courageous women came before the subcommittee to tell us, under oath, what had happened there. It of course differed in details, but essentially it was Atlanta all over again.

The testimony showed that the influence and control the former director at Fayetteville had over EEO complaint processing had discouraged VA employees from filing complaints and had prevented those who did from getting a fair hearing. Mr. Speaker, we heard testimony that the women, one of the women involved actually heard the EEO officer, who was the director, laugh at the complaints that had been filed. Obviously, the problems that the Atlanta case have revealed in the VA EEO system still remain.

As a consequence, the gentleman from Illinois [Mr. EVANS]; the gentleman from South Carolina [Mr. CLYBURN], the subcommittee's ranking Democrat; the gentleman from Arizona [Mr. STUMP], the chairman of the full committee; the gentleman from Florida [Mr. BILIRAKIS]; and the gentleman from Indiana [Mr. BUYER] have joined me in introducing H.R. 1703, a virtually identical bill to H.R. 1032. Down in Alabama we have a saying: "Fool me once, shame on you; fool me twice, shame on me," and that is the reason we feel this

legislation ought to go into law. I feel I speak for the cosponsors of the bill when I say we firmly believe that the needed EEO reforms at the VA should be a matter of law.

Mr. Speaker, H.R. 1703, as amended, will require the VA to establish a new EEO complaint resolution system separate from the facility management. It would also require the VA to establish a new, independent final decision-making office for the EEO cases. The director of the office will report directly to the VA's Secretary or Deputy Secretary. The bill would obligate the VA to report regularly to Congress on its progress in implementing the new provisions and on the operation of the new EEO system.

Finally, the bill would establish an independent panel to determine the extent of VA's hostile working environment for women and other VA employees.

Mr. Speaker, before concluding, I want to thank our distinguished Committee on Veterans Affairs chairman, the gentleman from Arizona [Mr. STUMP], for his support and vigorous oversight of the VA, for giving H.R. 1703, as amended, a high priority, and for bringing it so quickly to the floor. Also, I particularly want to mention the gentleman from Illinois [Mr. EVANS] and the gentleman from South Carolina [Mr. CLYBURN] for their hard work and personal involvement in this legislation. I want to commend the gentleman from Indiana [Mr. BUYER] for his leadership on both the Committee on Veterans Affairs and the Committee on National Security on this issue. The gentleman from Florida [Mr. BILIRAKIS], as well, has been tireless in his efforts to promote these reforms the VA needs so much for its employees.

Our bipartisan bill will not solve every EEO problem, but I believe it will go a long way toward restoring competence of VA employees in the Department's EEO system. Therefore, I strongly urge my colleagues to act favorably on H.R. 1703, as amended.

Mr. Speaker, I just received word that the VA has just announced that the administration has no objection to the House passage of H.R. 1703.

Mr. Speaker, I rise in support of H.R. 1703, as amended, the Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act.

This legislation has grown out of the oversight activities of the Veterans' Affairs Subcommittee on Oversight and Investigations, which was reestablished at the beginning of this session. I will outline the bill shortly, but first I want to give my colleagues some background on the issues which led to it.

In 1993, as the result of committee hearings on serious sexual harassment cases at the Atlanta VA Medical Center and elsewhere, the House passed a bipartisan bill, H.R. 1032, to strengthen the VA's equal employment opportunity [EEO] system. Mr. EVANS, now our committee's ranking Democrat, was one of the authors of that bill.

The VA opposed the bill and it died in the Senate. Nonetheless, the VA promised to ad-

dress the EEO problems the committee had identified, but, to make a long story short, it did not.

Then came Fayetteville earlier this year. This past April 17, the Subcommittee on Oversight and Investigations, at the request of Mr. BILIRAKIS, an active member of our committee, held a hearing on allegations of sexual harassment and other abusive treatment of employees at the Fayetteville VA Medical Center in North Carolina. Five courageous women came before the subcommittee to tell us under oath what had happened there.

It of course differed in the details, but essentially it was Atlanta all over again. And to make matters even worse, the VA had not disciplined the medical center's former director, against whom the allegations were made. Instead, he had been allowed to transfer at the taxpayer's expense to a VA hospital in Florida, Bay Pines, near where he owned a home and where a nonsupervisory job has been created especially for him at a slightly higher salary than he had as a hospital director. This "Club Med" treatment for an abusive boss understandably outraged many employees at Fayetteville.

The subcommittee believed, based on the testimony it heard, that there were probably more cases of harassment or abusive treatment of employees, both women and men, at Fayetteville. As the chairman, I asked the VA to do a more thorough investigation, which it did. Unfortunately, our concerns proved well founded, and many additional cases came to light. While Fayetteville has new management, we are still monitoring VA's efforts to make the affected employees whole and to restore morale. Some employees had actually been driven into retirement under what amounted to duress in order to escape unbearable working conditions.

When we asked employees at Fayetteville with sexual harassment cases why they did not file discrimination complaints with the VA's EEO system, they asked, "How could we? The director was the hospital's EEO officer and we had no confidence that anything would be done." One witness testified that the director and the EEO manager would meet after hours, discuss the EEO cases and laugh about them.

The testimony showed that the influence and control the former director at Fayetteville had over EEO complaint processing was discouraging VA employees from filing complaints and preventing those who did from getting fair treatment. Obviously, the problems the Atlanta cases had revealed in the VA's EEO system still remained.

As a consequence, Mr. EVANS, Mr. CLYBURN, the subcommittee's ranking Democrat, Chairman STUMP, Mr. BILIRAKIS and Mr. BUYER joined me in introducing H.R. 1703, a virtually identical bill to H.R. 1032. Down in Alabama, we have a saying, "Fool me once, shame on you; fool me twice, shame on me."

Since we introduced the bill and before the follow up hearing we held on July 17, the VA has taken significant administrative steps to do much of what our bill would accomplish. We have had serious discussions with the VA about their objections to various features of the bill and have completely redrafted the bill without changing its objectives. The Administration now has no objection to passage of the bill. I think I speak for the bill's cosponsors when I say we firmly believe that the needed EEO reforms at VA should be a matter of law.

Mr. Speaker, H.R. 1703, as amended, would require the VA to establish a new EEO complaint resolution system separated from facility management. It would also require the VA to establish a new, quasi-independent final decision-making office of EEO cases. The director of the office would report directly to the VA Secretary or Deputy Secretary. The bill would obligate the VA to report back regularly to Congress on its progress in implementing the new provisions and on the operations of its new EEO system.

Finally, the bill would establish an independent panel to assess the extent of this current problem within the VA.

Our bill is cost neutral. It requires changes in the way the VA processes and decides EEO cases, but the VA has assured the committee that it can accomplish these changes within its current budgetary resources. Furthermore, the Congressional Budget Office estimates no significant additional costs for a reformed EEO system at the VA.

Mr. Speaker, before concluding, I want to thank our distinguished Veterans' Affairs Committee Chairman, BOB STUMP, for his support of vigorous oversight of the VA in order to ensure that our Nation's veterans receive the benefits and services Congress has mandated, and for giving H.R. 1703, as amended, a high priority and bringing it to the floor so quickly.

Also, I particularly want to commend Mr. EVANS and Mr. CLYBURN for their hard work and personal involvement in this legislation. I want to commend Mr. BUYER for his leadership on both the Veterans' Affairs and National Security Committees on these issues. Mr. BILIRAKIS as well has been tireless in his efforts to promote the reforms needed so much too improve the workplace for VA employees.

Our bipartisan bill would not solve every EEO problem, but I believe it would go a long way toward restoring the confidence of VA employees in the department's EEO system. Therefore, I strongly urge my colleagues to act favorably on H.R. 1703, as amended.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina [Mr. CLYBURN], the ranking Democrat on the Subcommittee on Oversight and Investigations.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 1703, as amended, the Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act.

The veterans oversight hearings chaired by the gentleman from Alabama [Mr. EVERETT], my distinguished Republican colleague, have demonstrated an extremely sensitive and serious problem of sexual harassment within the Department of Veterans Affairs. The gentleman from Illinois [Mr. EVANS] and I were original cosponsors of legislation nearly identical to H.R. 1703 back in 1993. At that time, we were told that changes were in the works regarding the EEO process at the VA and throughout the Federal Government, and that there would be no need for this legislation.

This expected Government-wide solution never happened. The Senate never

acted on the bill we passed in 1993, and here we are again almost 5 years later dealing with sexual harassment problems that continue to fester at the VA.

It is a tribute to the gentleman from Alabama [Mr. EVERETT] that he has recognized the continuing need for legislation to improve the EEO process at VA. This May, with bipartisan support, the gentleman from Alabama [Mr. EVERETT] introduced H.R. 1703, legislation derived from the bill that was first introduced in 1993.

It is also a tribute to Secretary Hershel Gober that he has recognized a serious problem with the EEO process at VA, and that he has proposed administrative changes that draw in large part from the bill we have introduced in this Congress.

The VA's proposals do not go far enough, and there is still the need for legislation in this area. That is why we need to pass H.R. 1703 today, and that is why we need to do all we can to make sure our colleagues in the Senate quickly act on their version of this legislation.

By voting in favor of H.R. 1703, we in Congress can do our part to bring professionalism and independence to the EEO process at the VA, and to help restore the faith and trust in the process that has been so lacking through the last few years.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I am very gratified that this legislation is being offered today. The bill is nearly identical to legislation that I sponsored during my first term in Congress in 1993, along with the gentleman from Illinois [Mr. EVANS], the gentleman from Massachusetts [Mr. KENNEDY], and others.

The problem of employment discrimination within the VA, particularly of sexual harassment within the department, is a problem that cannot be tolerated. The changes called for by this bill should make a major difference in ensuring that cases of discrimination or other improper behavior are handled in a proper manner.

Rather than having local VA officials police their own, a situation which invites personal relationships to interfere in an investigation, this bill offers us a better solution. Setting up an office of employment discrimination within the VA central office will enable a fair and more accurate system for dealing with complaints of harassment and discrimination.

In addition, I am hopeful that this bill will prove to be a step in the right direction, and encourage us to take action to develop proper care and treatment within the VA for Armed Forces personnel who have been sexually abused or harassed during their service in our military. This body's interest in addressing the problem of sexual harassment should not end today.

The VA's function is to serve veterans, and at present, it is doing an inad-

equately job of serving veterans who have been the victims of sexual abuse or harassment.

I introduced legislation earlier this year that would improve such care. I have been alarmed to learn that despite the high-profile cases that we have heard about this year at Aberdeen and other military installations and bases, the opportunity for a woman to receive care and treatment within the VA for those incidents of abuse is very rare.

I am gratified that more than 50 Members have agreed to cosponsor H.R. 2253. I would ask that any Members of this House who are voting with me to expand the investigation of sexual harassment within the VA will likewise join with me to pass legislation that will treat former military personnel, and I want to underscore this, that will treat former military personnel who seek help within the VA as a result of such abuse.

I want to thank the gentleman from Arizona [Mr. STUMP], the gentleman from Illinois [Mr. EVANS], the gentleman from Alabama [Mr. EVERETT], and the gentleman from South Carolina [Mr. CLYBURN] for their work on this important legislation. It should be supported by all Members of this House.

Mr. EVANS. Mr. Speaker, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

A lot of people put a lot of time in achieving this bill, and I especially want to thank the gentleman from Alabama [Mr. EVERETT], the chairman of the Subcommittee on Oversight and Investigations, and the gentleman from South Carolina [Mr. CLYBURN] for all of the effort that he put forth on this bill, as well as the ranking member of the full committee; and of course the gentleman from Indiana [Mr. BUYER] and the gentleman from Florida [Mr. BILIRAKIS], who originally asked for a meeting, and the gentleman from Illinois [Mr. GUTIERREZ], who just made a statement. As I mentioned before, this is a very bipartisan bill and I urge the Members to support it.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 1703, Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act.

Over the past several months, incidents of sexual harassment by several of the VA's senior career managers have come to my attention. This greatly disturbs me because Congress investigated similar problems several years ago. In fact, when I served as the ranking minority member of the Oversight and Investigation Subcommittee, we conducted a hearing on sexual harassment in the VA workplace in 1992.

At that time, we heard from several VA employees who had been the victims of sexual harassment. It took a great deal of courage for these women to come forward and share their experiences with our committee. Many of these women were also subjected to acts of retaliation by their abusers and other VA employees.

Their perception, which was shared by many other employees, was that the VA did not take sexual harassment complaints seriously. There was a great deal of suspicion and distrust caused by too many years of apparent toleration of unacceptable behavior.

Without question, our 1992 hearing revealed that the process in place at the VA for investigating sexual harassment complaints was seriously flawed. Consequently, the Veterans' Affairs Committee unanimously approved legislation, which was later passed by the House, to address the problems at the VA. H.R. 1032 would have provided for improved and expedited procedures for resolving complaints of employment discrimination, including sexual harassment complaints.

When we considered H.R. 1032, VA Secretary Brown opposed the passage of this legislation because he preferred to take administrative action instead. The Senate did not act on H.R. 1032, and the bill was never enacted into law.

Secretary Brown established a policy of zero tolerance of sexual harassment and other forms of discrimination within the Department of Veterans Affairs early in his tenure as Secretary. Unfortunately, it appears that this policy of zero tolerance is not being enforced.

Almost 5 years after our first hearing, we are faced with a similar situation at the VA. This matter was brought to my attention again when the director of the Fayetteville VA Medical Center was found to have sexually harassed one female employee. He also engaged in abusive, threatening and inappropriate behavior toward other female employees. This director was transferred to the Bay Pines VA Medical Center which serves many of the veterans in my congressional district. He was allowed to retain a salary of more than \$100,000 in a position created specifically for him.

I heard from my constituents, particularly female veterans and VA employees, who were outraged by the Department's actions on this matter. They do not believe that the VA took any punitive action against this senior VA employee.

At my request, the Veterans' Affairs Oversight Subcommittee held a hearing on this latest incident of sexual harassment on April 17, 1997. We heard from several VA employees who were subjected to abusive treatment while working in the Fayetteville Medical Center. Sadly, their stories mirror those that we first heard in 1992. Despite the Secretary's zero tolerance policy, it appears that the VA has failed to adequately implement sufficient administrative procedures to deal with sexual harassment complaints.

Our witnesses believed that their harasser was not properly or adequately punished. In fact, they felt that he was rewarded for his actions "by being sent to the place he wanted to be with a raise in salary." This certainly appears to be the case. Consequently, I am greatly concerned that the VA's policy of zero tolerance has, at best, not been implemented uniformly, and at worst, has been ignored.

In 1992, I said that "Everyone has the right to live and to go to work without fear of harassment of any sort \* \* \* we owe all female veterans and all female VA employees the assurance that we will not tolerate sexual harassment at any level." This statement is just as relevant today as it was 5 years ago.

Our 1992 hearing revealed that the process in place at the VA for investigating sexual har-

assment complaints was seriously flawed. Our 1997 hearing showed that the process is still flawed. Although I wish it were not necessary, I am pleased to be an original cosponsor of Chairman EVERETT's legislation, H.R. 1703.

We cannot defer legislative action again. I certainly do not want to find out 5 years from now that the VA's EEO process is still broken. Victims of sexual harassment and other types of employment discrimination deserve a sympathetic and effective response from their employer. The legislation before us is essential to assure employees that mistreatment will be dealt with fairly.

I urge my colleagues to support H.R. 1703.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 1703, the Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act of 1997.

In recent years, we have heard of numerous cases where individuals within the Department of Veterans Affairs who were subjected to sexual harassment and other unlawful employment discrimination. As a result, the Department has established a zero-tolerance policy on sexual harassment and has promised to improve its equal opportunity system.

This legislation would assist the Department in meeting that goal by establishing a new Office of Resolution Management [ORM] to carry out such responsibilities. The number of full time professional EEO counselors and investigators is increased under this legislation.

Furthermore, H.R. 1703 mandates that the VA Secretary establish an Office of Employment Discrimination Complaint Adjudication [OEDCA] to issue final decisions on the merits of discrimination claims within the Department. The director of OEDCA will report directly to the VA Secretary and will have sole responsibility within the VA for resolving complaints of sexual harassment and other unlawful employment practices.

Accordingly, I urge my colleagues to join me in support of this legislation, which will help to reduce the level of unlawful employment incidents in the VA and allow those who were victims of such practices to continue to move forward in helping our veterans.

Mr. FARR of California. Mr. Speaker, I rise in support of two important veterans bills being considered on the floor today. H.R. 1703, the Veterans' Affairs Employment Discrimination Prevention Act, would establish a new VA office to resolve employment discrimination claims by veterans. Too often, our Nation's veterans are the victims of discrimination in the workplace, and this legislation would help ensure that their concerns are heard and resolved.

H.R. 2206, the Veterans Health Programs Improvement Act, will provide needed help to homeless veterans and veterans of the gulf war. The legislation would reauthorize a number of important Federal programs for homeless veterans, and allow the VA to operate more care facilities for veterans suffering from drug and alcohol abuse.

In addition, H.R. 2206 would expand medical care eligibility for gulf war veterans, so that any veteran with gulf war illnesses could receive health care from the VA—whether or not their illness can be proven as caused by exposure to toxins. The bill also authorizes \$5 million in funds for researching new forms of treatment of gulf war syndrome.

I represent both veterans and veterans' families who continue to suffer from gulf war ill-

nesses, with no end in sight. Unfortunately, many suffering veterans don't get medical care because they cannot prove the cause of their illness. This legislation will ensure medical help is available for those gulf war veterans who need it.

I am glad to see these two bills come to the floor, and I urge my colleagues to support them.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP], that the House suspend the rules and pass the bill, H.R. 1703, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to provide for improvements in the system of the Department of Veterans Affairs for resolution and adjudication of complaints of employment discrimination."

A motion to reconsider was laid on the table.

□ 1500

#### REAUTHORIZATION OF THE EXPORT-IMPORT BANK

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to House Resolution 255 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1370.

□ 1500

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1370) to reauthorize the Export-Import Bank of the United States, with Mrs. EMERSON, Chairman pro tempore in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, September 30, 1997, amendment No. 3 printed in House Report 105-282 offered by the gentleman from New York [Mr. LAFALCE] had been disposed of.

It is now in order to consider amendment No. 4 printed in House report 105-282.

AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROHRABACHER:

At the end of the bill, add the following: