

(3) at least one individual employed in each regional benefits office;

(4) at least one individual employed at each location of the National Cemetery Administration; and

(5) at least one individual employed at the Central Office of the Department to track reports of such harassment and sexual assault across the Department, disaggregated by facility.

(c) ACCOUNTABILITY.—(1) The Secretary shall establish a policy to ensure that each facility of the Department and each director of a Veterans Integrated Service Network is responsible for addressing harassment and sexual assault at the facility and the Network.

(2) The policy required by paragraph (1) shall include—

(A) a remediation plan for facilities that experience five or more incidents of sexual harassment, sexual assault, or combination thereof, during any single fiscal year; and

(B) taking appropriate actions under chapter 7 or subchapter V of chapter 74 of this title.

(d) DATA.—The Secretary shall ensure that the in-take process for veterans at medical facilities of the Department includes a survey to collect the following information:

(1) Whether the veteran feels safe at the facility and whether any events occurred at the facility that affect such feeling.

(2) Whether the veteran wants to be contacted later by the Department with respect to such safety issues.

(e) WORKING GROUP.—(1) The Secretary shall establish a working group to assist the Secretary in implementing policies to carry out this section.

(2) The working group established under paragraph (1) shall consist of representatives from—

(A) veterans service organizations;

(B) State, local, and Tribal veterans agencies; and

(C) other persons the Secretary determines appropriate.

(3) The working group established under paragraph (1) shall develop, and the Secretary shall carry out—

(A) an action plan for addressing changes at the local level to reduce instances of harassment and sexual assault;

(B) standardized media for veterans service organizations and other persons to use in print and on the internet with respect to reducing harassment and sexual assault; and

(C) bystander intervention training for veterans.

(4) The working group established under paragraph (1) shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).¹

(f) ANNUAL REPORTS.—(1) The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an annual report on harassment and sexual assault described in subparagraphs (A) and (B) of subsection (a)(2) in facilities of the Department.

(2) Each report submitted under paragraph (1) shall include the following:

(A) Results of harassment and sexual assault programming, including the End Harassment program.

(B) Results of studies from the Women's Health Practice-Based Research Network of the Department relating to harassment and sexual assault.

(C) Data collected on incidents of sexual harassment and sexual assault.

(D) A description of any actions taken by the Secretary during the year preceding the date of the report to stop harassment and sexual assault at facilities of the Department.

(E) An assessment of the implementation of the training required in subsection (a)(2)(H).

(F) A list of resources the Secretary determines necessary to prevent harassment and sexual assault at facilities of the Department.

(g) DEFINITIONS.—In this section:

(1) The term “non-Department individual” means any individual present at a facility of the Department who is not an employee or contractor of the Department.

(2) The term “sexual harassment” means unsolicited verbal or physical contact of a sexual nature which is threatening in character.

(Added Pub. L. 116-315, title V, §5303(a), Jan. 5, 2021, 134 Stat. 5038.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e)(4), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

Statutory Notes and Related Subsidiaries

DEADLINE

Pub. L. 116-315, title V, §5303(d), Jan. 5, 2021, 134 Stat. 5041, provided that: “The Secretary shall commence carrying out section 533 of such title [title 38], as added by subsection (a), not later than 180 days after the date of enactment of this Act [Jan. 5, 2021].”

SUBCHAPTER III—ADVISORY COMMITTEES

§541. Advisory Committee on Former Prisoners of War

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the “Committee”).

(2)(A) The members of the Committee shall be appointed by the Secretary from the general public and shall include—

(i) appropriate representatives of veterans who are former prisoners of war;

(ii) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

¹ See References in Text note below.

(iii) appropriate representatives of disabled veterans.

(B) The Committee shall also include, as ex officio members, the Under Secretary for Health and the Under Secretary for Benefits, or their designees.

(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that the term of service of any such member may not exceed three years.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

(c)(1) Not later than July 1 of each odd-numbered year through 2009, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are former prisoners of war. Each such report shall include—

(A) an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation;

(B) a review of the programs and activities of the Department designed to meet such needs; and

(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers to be appropriate.

(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted to the Congress pursuant to that section.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 392; amended Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 106-419, title IV, §403(c)(2), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 108-454, title VIII, §803, Dec. 10, 2004, 118 Stat. 3626.)

Editorial Notes

PRIOR PROVISIONS

Prior section 541 was renumbered section 1541 of this title.

Provisions similar to those in this section were contained in section 221 of this title prior to repeal by Pub. L. 102-83, §2(a).

AMENDMENTS

2004—Subsec. (c)(1). Pub. L. 108-454 substituted “2009” for “2003”.

2000—Subsec. (c)(1). Pub. L. 106-419 inserted “through 2003” after “each odd-numbered year” in introductory provisions.

1992—Subsec. (a)(2)(B). Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director” and “Under Secretary for Benefits” for “Chief Benefits Director”.

Statutory Notes and Related Subsidiaries

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 1013 of Title 5, Government Organization and Employees.

§ 542. Advisory Committee on Women Veterans

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as “the Committee”).

(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

(i) representatives of women veterans;

(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women;

(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability; and

(iv) women veterans who are recently separated from service in the Armed Forces.

(B) The Committee shall include, as ex officio members—

(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense after consultation with the Defense Advisory Committee on Women in the Services); and

(iii) the Under Secretary for Health and the Under Secretary for Benefits, or their designees.

(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for women veterans, reports and studies pertaining to women vet-