

[DISCUSSION DRAFT]

118TH CONGRESS
2^D SESSION

H. R. _____

To amend title 38, United States Code, to require a notation in the personnel record file of certain employees of the Department of Veterans Affairs who resign from Government employment under certain circumstances.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 38, United States Code, to require a notation in the personnel record file of certain employees of the Department of Veterans Affairs who resign from Government employment under certain circumstances.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. NOTATION IN DEPARTMENT OF VETERANS AF-**
2 **FAIRS EMPLOYEE PERSONNEL RECORD FILE**
3 **OF PERSONNEL INVESTIGATION REQUIRED.**

4 (a) IN GENERAL.—Subchapter I of chapter 7 of title
5 38, United States Code, is amended by adding at the end
6 the following new section:

7 **“§ 729. Notation in Department of Veterans Affairs**
8 **employee personnel record file of per-**
9 **sonnel investigation**

10 “(a) IN GENERAL.—With respect to any employee oc-
11 cupying a position in the competitive service or the ex-
12 cepted service within the Department who is the subject
13 of a personnel investigation and who resigns from Govern-
14 ment employment prior to the resolution of such investiga-
15 tion, the Secretary shall make a permanent notation of
16 such investigation in the official personnel record file of
17 such employee.

18 **【“(b) ADDITIONAL NOTATION.—**With respect to any
19 employee described in subsection (a), the Secretary shall
20 make an additional notation in the official personnel
21 record file of such employee whether an adverse finding
22 would have been made with respect to such employee pur-
23 suant to such investigation. **【NOTE: *Should the Secretary***
24 ***also make a notation if an adverse finding would NOT have***
25 ***been made? This is policy for investigations under 5 USC***
26 ***3322.】】***

1 **[(c) APPLICATION.—**The rights and procedures
2 under section 3322 of title 5 shall not apply to any action
3 under this section. **[NOTE: *Is the exemption of rights and***
4 ***procedures under 5 USC 3322 consist with the policy?***
5 ***Should a Department employee have rights to appeal a no-***
6 ***tation made in a personnel record file pursuant to this sec-***
7 ***tion?].]***

8 “(d) PERSONNEL INVESTIGATION DEFINED.—In this
9 section, the term ‘personnel investigation’ includes—

10 “(1) an investigation by an Inspector General;
11 and

12 “(2) an adverse personnel action as a result of
13 performance, misconduct, or for such cause as will
14 promote the efficiency of the service under chapter
15 43 or chapter 75 of title 5.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by inserting
18 after the item relating to section 728 the following new
19 item:

“729. Notation in Department of Veterans Affairs employee personnel
record file of personnel investigation.”.