

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 7734**  
**OFFERED BY Ms. Kiggans**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Personnel Integrity  
3 in Veterans Affairs Act of 2024”.

4 **SEC. 2. NOTATION IN DEPARTMENT OF VETERANS AFFAIRS**

5 **EMPLOYEE PERSONNEL RECORD FILE OF**  
6 **PERSONNEL INVESTIGATION REQUIRED.**

7 (a) IN GENERAL.—Subchapter I of chapter 7 of title  
8 38, United States Code, is amended by adding at the end  
9 the following new section:

10 **“§ 729. Notation in Department of Veterans Affairs**

11 **employee personnel record file of eligible**  
12 **personnel investigation**

13 “(a) NOTATION REQUIRED.—Notwithstanding sec-  
14 tion 3322 of title 5 or chapter 74 of this title, with respect  
15 to a covered employee who is the subject of an eligible  
16 personnel investigation and who resigns, retires, transfers,  
17 or otherwise separates from employment with the Depart-

1 ment prior to the resolution of such eligible personnel in-  
2 vestigation, the Secretary shall—

3 “(1) continue such eligible personnel investiga-  
4 tion until it is completed; and

5 “(2) not later than 40 days after the date such  
6 eligible personnel investigation is completed, make a  
7 permanent notation of such eligible personnel inves-  
8 tigation in the official personnel record file of such  
9 covered employee.

10 “(b) CERTAIN CONSIDERATION PROHIBITED.—In  
11 carrying out an eligible personnel investigation, the Sec-  
12 retary may not consider the resignation, retirement, trans-  
13 fer, or any other separation from employment with the De-  
14 partment of the covered employee subject to such eligible  
15 personnel investigation.

16 “(c) NOTIFICATION REQUIRED.—Prior to making a  
17 permanent notation in the official personnel record of a  
18 covered employee under subsection (a), the Secretary  
19 shall—

20 “(1) notify the employee in writing within 5  
21 days of the resolution of the eligible personnel inves-  
22 tigation and provide such covered employee a copy  
23 of the adverse finding and any supporting docu-  
24 mentation;

1           “(2) provide the covered employee with a rea-  
2           sonable time, but not less than 30 days, to respond  
3           in writing and to furnish affidavits and other docu-  
4           mentary evidence to show why the adverse finding  
5           was unfounded (a summary of which shall be in-  
6           cluded in any notation made to the personnel file of  
7           such employee under subsection (e)); and

8           “(3) provide a written decision and the specific  
9           reasons therefore to the employee at the earliest  
10          practicable date.

11          “(d) RIGHT TO APPEAL.—A covered employee is enti-  
12          tled to appeal the decision of the Secretary to make a per-  
13          manent notation under subsection (a) to the Merit Sys-  
14          tems Protection Board under section 7701 of title 5.

15          “(e) NOTATION OF APPEAL.—(1) If a covered em-  
16          ployee files an appeal with the Merit Systems Protection  
17          Board pursuant to subsection (c), the Secretary shall  
18          make a notation in the official personnel record file of the  
19          covered employee indicating that an appeal disputing the  
20          notation is pending not later than 2 weeks after the date  
21          on which such appeal was filed.

22          “(2) If the Secretary is the prevailing party on ap-  
23          peal, not later than 2 weeks after the date that the Board  
24          issues the appeal decision, the Secretary shall remove the

1 notation made under paragraph (1) from the official per-  
2 sonnel record file of the covered employee.

3 “(3) If the covered employee is the prevailing party  
4 on appeal, not later than 2 weeks after the date that the  
5 Board issues the appeal decision, the Secretary shall re-  
6 move the notation made under paragraph (1) and the no-  
7 tation of an adverse finding made under subsection (a)  
8 from the official personnel record file of the covered em-  
9 ployee.

10 “(f) DEFINITIONS.—In this section:

11 “(1) The term ‘covered employee’ means an em-  
12 ployee in the competitive service, the excepted serv-  
13 ice, or the Senior Executive Service within the De-  
14 partment.

15 “(2) The term ‘eligible personnel investiga-  
16 tion’—

17 “(A) means a personnel investigation that  
18 commences not later than 60 days after the  
19 date on which the covered employee subject to  
20 such personnel investigation resigns, retires,  
21 transfers, or otherwise separates from employ-  
22 ment with the Department; and

23 “(B) includes—

24 “(i) an investigation by an Inspector  
25 General; and

1           “(ii) a prospective investigation that  
2           may recommend an adverse personnel ac-  
3           tion as a result of alleged performance,  
4           misconduct, or for such cause as will pro-  
5           mote the efficiency of the service under—

6                       “(I) chapter 43 of title 5;

7                       “(II) chapter 75 of such title;

8                       “(III) chapter 74 of this title; or

9                       “(IV) section 501 of this title;

10           “(iii) an adverse personnel action as a  
11           result of performance, misconduct, or for  
12           such cause as will promote the efficiency of  
13           the service under the provisions specified  
14           in subclauses (I) through (IV) of clause  
15           (ii);

16           “(iv) an internal investigation carried  
17           out by the Secretary, including through—

18                       “(I) the Office of Accountability  
19                       and Whistleblower Protection of the  
20                       Department;

21                       “(II) the Office of the Medical  
22                       Inspector of the Veterans Health Ad-  
23                       ministration; and

24                       “(III) the General Counsel of the  
25                       Department; and

1                   “(v) an investigation carried out by  
2                   the head of any other Federal agency re-  
3                   sponsible for investigation allegations of  
4                   employee misconduct, including the head  
5                   of—

6                   “(I) the Office of the Special  
7                   Counsel; and

8                   “(II) the Equal Employment Op-  
9                   portunity Commission.”.

10           (b) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of such chapter is amended by inserting  
12 after the item relating to section 728 the following new  
13 item:

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

