

119TH CONGRESS
1ST SESSION

S. 3196

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to give employees of the Department of Veterans Affairs opportunities to be represented by the representatives of their choices in examinations of the employees in connection with examinations that may result in disciplinary action, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2025

Mr. BLUMENTHAL (for himself, Mr. VAN HOLLEN, Mr. MARKEY, Ms. HIRONO, Mr. KING, Ms. ALSOBROOKS, Mr. PADILLA, Ms. CORTEZ MASTO, Ms. DUCKWORTH, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to give employees of the Department of Veterans Affairs opportunities to be represented by the representatives of their choices in examinations of the employees in connection with examinations that may result in disciplinary action, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Right to Representa-
3 tion for Department of Veterans Affairs Workers Act of
4 2025”.

5 **SEC. 2. RIGHT TO REPRESENTATION FOR EMPLOYEES OF**
6 **DEPARTMENT OF VETERANS AFFAIRS.**

7 (a) IN GENERAL.—Subchapter I of chapter 7 of title
8 38, United States Code, is amended by inserting after sec-
9 tion 707 the following new section:

10 **“§ 708. Employee right to representation**

11 “(a) IN GENERAL.—The Secretary shall give to each
12 covered employee an opportunity to be represented by a
13 representative of their choice, on duty time if applicable,
14 of the covered employee at any examination of such cov-
15 ered employee in connection with an examination carried
16 out by the Secretary if—

17 “(1) the covered employee believes that the ex-
18 amination may result in disciplinary action against
19 the covered employee; and

20 “(2) the covered employee requests the rep-
21 resentation.

22 “(b) DEFINITIONS.—In this section:

23 “(1) The term ‘covered employee’ means an in-
24 dividual occupying a position at the Department, but
25 does not include—

1 “(A) an individual occupying a senior execu-
2 tive position (as defined in section 713(d) of
3 this title);

4 “(B) an individual appointed pursuant to
5 sections 7306, 7401(4), or 7405 of this title; or

6 “(C) a political appointee.

7 “(2) The term ‘political appointee’ has the
8 meaning given such term in section 714(h) of this
9 title.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 7 of such title is amended by
12 inserting after the item relating to section 707 the fol-
13 lowing new item:

“708. Employee right to representation.”.

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