

SUBCHAPTER II—INVESTIGATIONS

§ 5711. Authority to issue subpoenas

(a) For the purposes of the laws administered by the Secretary, the Secretary, and those employees to whom the Secretary may delegate such authority, to the extent of the authority so delegated, shall have the power to—

- (1) issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles from the place of hearing;
- (2) require the production of books, papers, documents, and other evidence;
- (3) take affidavits and administer oaths and affirmations;
- (4) aid claimants in the preparation and presentation of claims; and
- (5) make investigations and examine witnesses upon any matter within the jurisdiction of the Department.

(b) Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1237, §3311; renumbered §5711, Pub. L. 102–40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–54, §14(d)(5)(A), June 13, 1991, 105 Stat. 286.)

AMENDMENTS

1991—Pub. L. 102–40 renumbered section 3311 of this title as this section.

Pub. L. 102–54 amended section as in effect immediately before the enactment of Pub. L. 102–40 by substituting “subpoenas” for “subpenas” in section catchline and amending text generally. Prior to amendment, text read as follows: “For the purposes of the laws administered by the Veterans’ Administration, the Administrator, and those employees to whom the Administrator may delegate such authority, to the extent of the authority so delegated, shall have the power to issue subpenas for and compel the attendance of witnesses within a radius of one hundred miles from the place of hearing, to require the production of books, papers, documents, and other evidence, to take affidavits, to administer oaths and affirmations, to aid claimants in the preparation and presentation of claims, and to make investigations and examine witnesses upon any matter within the jurisdiction of the Veterans’ Administration. Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.”

§ 5712. Validity of affidavits

Any such oath, affirmation, affidavit, or examination, when certified under the hand of any such employee by whom it was administered or taken and authenticated by the seal of the Department, may be offered or used in any court of the United States and without further proof of the identity or authority of such employee shall have like force and effect as if administered or taken before a clerk of such court.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1237, §3312; renumbered §5712, Pub. L. 102–40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, §4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404.)

AMENDMENTS

1991—Pub. L. 102–40 renumbered section 3312 of this title as this section.

Pub. L. 102–83 substituted “Department” for “Veterans’ Administration”.

§ 5713. Disobedience to subpoena

In case of disobedience to any such subpoena, the aid of any district court of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1237, §3313; renumbered §5713, Pub. L. 102–40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–54, §14(d)(6)(A), (B), June 13, 1991, 105 Stat. 286.)

AMENDMENTS

1991—Pub. L. 102–40 renumbered section 3313 of this title as this section.

Pub. L. 102–54 amended section as in effect immediately before the enactment of Pub. L. 102–40 by substituting “subpoena” for “subpena” in section catchline and in two places in text.

SUBCHAPTER III—INFORMATION SECURITY

§ 5721. Purpose

The purpose of the Information Security Program is to establish a program to provide security for Department information and information systems commensurate to the risk of harm, and to communicate the responsibilities of the Secretary, Under Secretaries, Assistant Secretaries, other key officials, Assistant Secretary for Information and Technology, Associate Deputy Assistant Secretary for Cyber and Information Security, and Inspector General of the Department of Veterans Affairs as outlined in the provisions of subchapter III of chapter 35 of title 44 (also known as the “Federal Information Security Management Act of 2002”, which was enacted as part of the E-Government Act of 2002 (Public Law 107–347)).

(Added Pub. L. 109–461, title IX, §902(a), Dec. 22, 2006, 120 Stat. 3450.)

REFERENCES IN TEXT

The Federal Information Security Management Act of 2002, referred to in text, is the statutory short title for title III of Pub. L. 107–347, Dec. 17, 2002, 116 Stat. 2946, and for title X of Pub. L. 107–296, Nov. 25, 116 Stat. 2259. For complete classification of these Acts to the Code, see Short Title of 2002 Amendments note set out under section 101 of Title 44, Public Printing and Documents, Short Title note set out under section 101 of Title 6, Domestic Security, and Tables.

The E-Government Act of 2002, referred to in text, is Pub. L. 107–347, Dec. 17, 2002, 116 Stat. 2899. For complete classification of this Act to the Code, see Tables.

REGULATIONS

Pub. L. 109–461, title IX, §902(c), Dec. 22, 2006, 120 Stat. 3460, provided that: “Not later than one year after the date of the enactment of this Act [Dec. 22, 2006], the