

(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

(Added and amended Pub. L. 102-83, §§2(a), 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 380, 404; Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 103-446, title XII, §1201(c)(2), (e)(2), Nov. 2, 1994, 108 Stat. 4683, 4685; Pub. L. 109-461, title II, §210(b), Dec. 22, 2006, 120 Stat. 3418.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3(c) of Pub. L. 100-527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102-83, §3(3).

AMENDMENTS

2006—Subsecs. (c), (d). Pub. L. 109-461 redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: "The Under Secretary for Benefits shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Under Secretary for Benefits before the completion of the term for which the Under Secretary for Benefits was appointed, the President shall communicate the reasons for the removal to Congress."

1994—Subsec. (a). Pub. L. 103-446, §1201(c)(2)(A), substituted "an Under Secretary" for "a Under Secretary".

Subsec. (d)(2)(F). Pub. L. 103-446, §1201(c)(2)(B), (e)(2), substituted "Chief Benefits Director of the Veterans Administration" for "Under Secretary for Benefits of the Department" and "commission" for "Commission".

1992—Pub. L. 102-405 substituted "Under Secretary for Benefits" for "Chief Benefits Director" wherever appearing.

1991—Subsec. (d)(2)(F). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans Administration".

CHANGE OF NAME

Pub. L. 102-405, title III, §302(b), Oct. 9, 1992, 106 Stat. 1984, provided that: "The position of Chief Benefits Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Benefits of the Department of Veterans Affairs."

§ 307. Under Secretary for Memorial Affairs

There is in the Department an Under Secretary for Memorial Affairs, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary is the head of the National Cemetery Administration as established in section 2400 of this title and shall perform such functions as may be assigned by the Secretary.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 381; amended Pub. L. 105-368, title IV, §403(a)(3), (c)(1)(A), Nov. 11, 1998, 112 Stat. 3338.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3(d) of Pub. L. 100-527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102-83, §3(3).

AMENDMENTS

1998—Pub. L. 105-368, §403(c)(1)(A), substituted "Under Secretary for Memorial Affairs" for "Director of the National Cemetery System" in section catchline.

Pub. L. 105-368, §403(a)(3), in first sentence, substituted "an Under Secretary for Memorial Affairs" for "a Director of the National Cemetery System" and, in second sentence, substituted "The Under Secretary is the head of the National Cemetery Administration" for "The Director is the head of the National Cemetery System".

§ 308. Assistant Secretaries; Deputy Assistant Secretaries

(a)(1) There shall be in the Department not more than seven Assistant Secretaries.

(2) Except as provided in paragraph (3), each Assistant Secretary appointed under paragraph (1) shall be appointed by the President, by and with the advice and consent of the Senate.

(3) The following Assistant Secretaries may be appointed without the advice and consent of the Senate:

(A) The Assistant Secretary for Management.

(B) The Assistant Secretary for Human Resources and Administration.

(C) The Assistant Secretary for Public and Intergovernmental Affairs.

(D) The Assistant Secretary for Operations, Security, and Preparedness.

(b) The Secretary shall assign to the Assistant Secretaries responsibility for the administration of such functions and duties as the Secretary considers appropriate, including the following functions:

(1) Budgetary and financial functions.

(2) Personnel management and labor relations functions.

(3) Planning, studies, and evaluations.

(4) Management, productivity, and logistic support functions.

(5) Information management functions as required by section 3506 of title 44.

(6) Capital facilities and real property program functions.

(7) Equal opportunity functions.

(8) Functions regarding the investigation of complaints of employment discrimination within the Department.

(9) Functions regarding intergovernmental, public, and consumer information and affairs.

(10) Procurement functions.

(11) Operations, preparedness, security, and law enforcement functions.

(12) The functions set forth in section 323(c) of this title.

(c) Whenever the President nominates an individual for appointment as an Assistant Secretary, the President shall include in the communication to the Senate of the nomination a statement of the particular functions of the Department specified in subsection (b), and any other functions of the Department, the individual will exercise upon taking office.

(d)(1) There shall be in the Department such number of Deputy Assistant Secretaries, not exceeding 19, as the Secretary may determine. Each Deputy Assistant Secretary shall be appointed by the Secretary and shall perform such functions as the Secretary prescribes.

(2) At least two-thirds of the number of positions established and filled under paragraph (1) shall be filled by individuals who have at least five years of continuous service in the Federal