

sent 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.)

Editorial Notes

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 civil service in the executive branch immediately preceding their appointment as a Deputy Assistant Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by such individual in a position—

- (A) of a confidential, policy-determining, policy-making, or policy-advocating character;
- (B) in which such individual served as a non-career appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5; or
- (C) to which such individual was appointed by the President.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 381; amended Pub. L. 107-287, §5(a)-(c), Nov. 7, 2002, 116 Stat. 2030; Pub. L. 112-166, §2(m), Aug. 10, 2012, 126 Stat. 1287; Pub. L. 115-41, title I, §101(b), June 23, 2017, 131 Stat. 865.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 4(a), (b), (e) and 5 of Pub. L. 100-527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102-83, §3(3).

AMENDMENTS

2017—Subsec. (b)(12). Pub. L. 115-41 added par. (12).
2012—Subsec. (a). Pub. L. 112-166 designated existing provisions as par. (1), struck out at end of par. (1) “Each Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.”, and added pars. (2) and (3).

2002—Subsec. (a). Pub. L. 107-287, §5(a), substituted “seven” for “six” in first sentence.
Subsec. (b)(11). Pub. L. 107-287, §5(b), added par. (11).
Subsec. (d)(1). Pub. L. 107-287, §5(c), substituted “19” for “18”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

§ 309. Chief Financial Officer

The Secretary shall designate the Assistant Secretary whose functions include budgetary