

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

and financial functions as the Chief Financial Officer of the Department. The Chief Financial Officer shall advise the Secretary on financial management of the Department and shall exercise the authority and carry out the functions specified in section 902 of title 31.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 382.)

Editorial Notes

PRIOR PROVISIONS

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

Statutory Notes and Related Subsidiaries

MATTERS RELATING TO THE CHIEF FINANCIAL OFFICER OF DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 116-315, title VII, subtitle B, Jan. 5, 2021, 134 Stat. 5061, provided that:

“SEC. 7101. DEFINITIONS.

“In this subtitle:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committees on Veterans’ Affairs of the Senate and the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives.

“(2) SUBORDINATE CHIEF FINANCIAL OFFICER.—The term ‘subordinate chief financial officer’—

“(A) includes—

“(i) the chief financial officer of the Veterans Health Administration, the chief financial officer of the Office of Community Care within the Veterans Health Administration, and all chief financial officers of Veterans Integrated Service Networks within the Veterans Health Administration;

“(ii) the chief financial officer of the Veterans Benefits Administration and all chief financial officers of organizational subdivisions representing business lines within the Veterans Benefits Administration;

“(iii) the chief financial officer of the National Cemetery Administration; and

“(iv) the chief financial officer of the Office of Information and Technology; and

“(B) does not include the Inspector General.

“SEC. 7102. PLANS FOR ADDRESSING MATERIAL WEAKNESSES AND PROVIDING SUFFICIENT AUTHORITY TO CHIEF FINANCIAL OFFICER OF DEPARTMENT OF VETERANS AFFAIRS.

“Not later than 180 days after the date of the enactment of this Act [Jan. 5, 2021], and annually thereafter for each of the three subsequent years, the Secretary of Veterans Affairs, acting through the Chief Financial Officer of the Department of Veterans Affairs, shall submit to the appropriate congressional committees—

“(1) an action plan, including steps, related timelines, costs, progress, status of implementation, and any updates for fully addressing the material weaknesses of the Department discussed in the Management’s Discussion and Analysis section of the financial statements of the Department submitted to Congress under section 3515 of title 31, United States Code[,] for the year preceding the year during which the report is submitted; and

“(2) a plan outlining the steps the Secretary plans to take to address the recommendations of auditors related to entity-level internal controls and to provide sufficient authority to the Chief Financial Officer of the Department to carry out the requirements of section 902 of title 31, United States Code.

“SEC. 7103. CHIEF FINANCIAL OFFICER ATTESTATION.

“Concurrent with the submittal to Congress of the President’s budget request under section 1105 of title 31, United States Code, for fiscal year 2022 and each of the next three subsequent fiscal years, the Chief Financial Officer of the Department of Veterans Affairs shall submit to the appropriate congressional committees each of the following:

“(1) A certification of the responsibility of the Chief Financial Officer for internal financial controls of the Department.

“(2) An attestation that the Chief Financial Officer has collaborated sufficiently with the subordinate chief financial officers of the Department to be confident in the financial projections included [in] the budget request and supporting materials.

“SEC. 7104. CHIEF FINANCIAL OFFICER RESPONSIBILITY FOR SUBORDINATE CHIEF FINANCIAL OFFICERS.

“(a) IN GENERAL.—In accordance with the responsibilities of the Chief Financial Officer of the Department of Veterans Affairs for the recruitment, selection, and training of personnel to carry out agency financial management functions pursuant to section 902(a)(5)(C) of title 31, United States Code, the Chief Financial Officer or the designee of the Chief Financial Officer within the Office of Management of the Department shall—

“(1) participate in the interview and selection panels of all subordinate chief financial officers; and

“(2) give input into the performance plans and performance evaluations of all subordinate chief financial officers.

“(b) TERMINATION.—The requirements under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act [Jan. 5, 2021].”

§ 310. Chief Information Officer

(a) The Chief Information Officer for the Department is designated pursuant to section 3506(a)(2) of title 44.

(b) The Chief Information Officer performs the duties provided for chief information officers of executive agencies under chapter 35 of title 44 and subtitle III of title 40.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 382; amended Pub. L. 104-106, div. E, title LVI, §5604, Feb. 10, 1996, 110 Stat. 700; Pub. L. 105-85, div. A, title X, §1073(h)(3), Nov. 18, 1997, 111 Stat. 1907; Pub. L. 107-217, §3(j)(2), Aug. 21, 2002, 116 Stat. 1300.)

Editorial Notes

PRIOR PROVISIONS

Prior section 310 was renumbered section 1110 of this title.

Provisions similar to those in this section were contained in section 4(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

2002—Subsec. (b). Pub. L. 107-217 substituted “subtitle III of title 40” for “division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)”.

1997—Subsec. (b). Pub. L. 105-85 substituted “division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)” for “the Information Technology Management Reform Act of 1996”.

1996—Pub. L. 104-106 substituted “Chief Information Officer” for “Chief Information Resources Officer” in section catchline and amended text generally. Prior to amendment, text consisted of subssecs. (a) to (d), relat-