

(ii) whether certain administrative capabilities necessary for operating the Office are redundant with those of another VA office, component, or program; and
 (iii) whether combining the Office with another VA office, component, or program may improve the VA's efficiency, effectiveness, or accountability.

SEC. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 302. Seal

(a) The Secretary of Veterans Affairs shall cause a seal of office to be made for the Department of such device as the President shall approve. Judicial notice shall be taken of the seal.

(b) Copies of any public document, record, or paper belonging to or in the files of the Department, when authenticated by the seal and certified by the Secretary (or by an officer or employee of the Department to whom authority has been delegated in writing by the Secretary), shall be evidence equal with the original thereof.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 379.)

Editorial Notes

PRIOR PROVISIONS

Prior section 302 was renumbered section 1102 of this title.

Provisions similar to those in this section were contained in section 202 of this title prior to repeal by Pub. L. 102-83, §2(a).

§ 303. Secretary of Veterans Affairs

There is a Secretary of Veterans Affairs, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate. The Secretary is responsible for the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 379.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 210(a), (b)(1) of this title and in second and third sentences of section 2 of Pub. L. 100-527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102-83, §§2(a), 3(1).

Statutory Notes and Related Subsidiaries

PLAN FOR REDUCTION OF BACKLOG OF FREEDOM OF INFORMATION ACT REQUESTS

Pub. L. 117-328, div. U, title IV, §406, Dec. 29, 2022, 136 Stat. 5493, provided that:

“(a) PLAN.—

“(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish and carry out a plan for the Secretary to meet, by not later than five years after the date of the enactment of this Act [Dec. 29, 2022], the requirements of section 552 of title 5, United States Code, (commonly known as the ‘Freedom of Information Act’ or ‘FOIA’) with respect to providing documents and information under such section within the timeframes required by such section.

“(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

“(A) Improving and acquiring technology, including with respect to searching email and other electronic information, and the timelines for such improvement, to ensure that the information technology of the Department of Veterans Affairs is capable of carrying out the plan.

“(B) Identification of efficient procedures, policies, and systems of the Department that could be developed to allow employees of the Department responsible for replying to requests under such section 552 to search and review documents rather than other employees of the Department.

“(C) A schedule for carrying out the plan, including key milestones and metrics.

“(b) COMPLIANCE ASSESSMENT.—The Secretary shall request the Director of the Office of Government Information Services of the National Archives and Records Administration to conduct an assessment of the compliance by the Department of Veterans Affairs with section 552 of title 5, United States Code.

“(c) REPORTS.—

“(1) INITIAL REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on implementing subsections (a) and (b).

“(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

- “(i) The plan established under subsection (a).
- “(ii) An analysis of the root causes of the backlog of Freedom of Information Act requests.
- “(iii) Recommendations with respect to any additional resources or legislative action the Secretary determines necessary for such implementation.

“(2) ANNUAL REPORTS.—During the five-year period following the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives annual reports on—

- “(A) carrying out the plan under subsection (a), including any updates or changes made to the plan; and
- “(B) the compliance by the Department as described in subsection (b).

“(3) PUBLICATION.—The Secretary shall make publicly available on the internet website of the Department the reports under paragraphs (1) and (2) by not later than 30 days after the date on which the Secretary submits the reports to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

“(d) DEFINITION OF BACKLOG OF FREEDOM OF INFORMATION ACT REQUESTS.—In this section, the term ‘backlog of Freedom of Information Act requests’ means the number of requests, as reported by the Secretary of Veterans Affairs to the Attorney General in the Annual FOIA Report, made by individuals to the Secretary pursuant to section 552 of title 5, United States Code, for documents or information that the Secretary has not fulfilled or provided a response to the individual.”

WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS DURING PUBLIC HEALTH EMERGENCIES

Pub. L. 116-136, div. B, title X, §20008, Mar. 27, 2020, 134 Stat. 588, provided that: