

“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), relating to designation, powers, and duties of the Chief Information Resources Officer.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 702.

CREATION OF OFFICE OF RESEARCH REVIEWS WITHIN THE OFFICE OF INFORMATION AND TECHNOLOGY OF THE DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 116–171, title VII, §705, Oct. 17, 2020, 134 Stat. 830, provided that:

“(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Oct. 17, 2020], the Secretary of Veterans Affairs shall establish within the Office of Information and Technology of the Department of Veterans Affairs an Office of Research Reviews (in this section referred to as the ‘Office’).

“(b) ELEMENTS.—The Office shall do the following:

“(1) Perform centralized security reviews and complete security processes for approved research sponsored outside the Department, with a focus on multi-site clinical trials.

“(2) Develop and maintain a list of commercially available software preferred for use in sponsored clinical trials of the Department and ensure such list is maintained as part of the official approved software products list of the Department.

“(3) Develop benchmarks for appropriate timelines for security reviews conducted by the Office.

“(c) REPORT.—

“(1) IN GENERAL.—Not later than one year after the establishment of the Office, the Office 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 the activity of the Office.

“(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

“(A) The number of security reviews completed.

“(B) The number of personnel assigned for performing the functions described in subsection (b).”

§ 311. General Counsel

There is in the Department the Office of the General Counsel. There is at the head of the office a General Counsel, who is appointed by the President, by and with the advice and consent of the Senate. The General Counsel is the chief legal officer of the Department and provides legal assistance to the Secretary concerning the programs and policies of the Department.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 383.)

Editorial Notes

PRIOR PROVISIONS

Prior section 311 was renumbered section 1111 of this title.

Provisions similar to those in this section were contained in section 8(a) of Pub. L. 100-527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102-83, §3(3).

§ 312. Inspector General

(a) There is in the Department an Inspector General, who is appointed by the President, by and with the advice and consent of the Senate, as provided in chapter 4 of title 5. The Inspector General performs the functions, has the responsibilities, and exercises the powers specified in that Act.¹

(b)(1) The Secretary shall provide for not less than 40 full-time positions in the Office of Inspector General in addition to the number of such positions in that office on March 15, 1989.

(2) The President shall include in the budget transmitted to the Congress for each fiscal year pursuant to section 1105 of title 31 an estimate of the amount for the Office of Inspector General that is sufficient to provide for a number of full-time positions in that office that is not less than the number of full-time positions in that office on March 15, 1989, plus 40.

(c)(1) Whenever the Inspector General, in carrying out the duties and responsibilities established under chapter 4 of title 5, issues a work product the Inspector General shall—

(A) submit the work product to—

(i) the Secretary;

(ii) the Committee on Veterans' Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate;

(iii) the Committee on Veterans' Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives;

(iv) if the work product was initiated upon request by an individual or entity other than the Inspector General, that individual or entity; and

(v) any Member of Congress upon request; and

(B) the Inspector General shall submit all final work products to—

(i) if the work product was initiated upon request by an individual or entity other than the Inspector General, that individual or entity; and

(ii) any Member of Congress upon request; and

(C) not later than 3 days after the work product is submitted in final form to the Secretary, post the work product on the Internet website of the Inspector General.

(2) Nothing in this subsection shall be construed to authorize the public disclosure of information that is specifically prohibited from disclosure by any other provision of law.

(d)(1)(A) In addition to the authority otherwise provided by the Inspector General Act of 1978 (5 U.S.C. App.)¹ and in accordance with the requirements of this subsection, the Inspector General, in carrying out the provisions of this section, may require by subpoena the attendance and testimony of witnesses as necessary in the performance of the functions assigned to the Inspector General by the Inspector General Act of 1978 (5 U.S.C. App.)¹ and this section, which in the case of contumacy or refusal to obey, such subpoena shall be enforceable by order of any appropriate district court of the United States.

(B) The Inspector General may not require by subpoena the attendance and testimony under subparagraph (A) of—

(i) any current Federal employee; or

(ii) any witness as part of any criminal proceeding.

(2) The authority to issue a subpoena under paragraph (1) may not be delegated.

(3)(A) The Inspector General shall notify the Attorney General of the intent to issue a subpoena under paragraph (1).

(B) Not later than 10 days after the date on which the Attorney General is notified pursuant to subparagraph (A), the Attorney General may object in writing to the issuance of the subpoena if the subpoena will interfere with an ongoing investigation and, if the Attorney General makes such an objection, the Inspector General may not issue the subpoena.

(C) If the Attorney General does not object in writing to the issuance of the subpoena during the 10-day period described in subparagraph (B), the Inspector General may issue the subpoena.

(4) Before requiring by subpoena under paragraph (1) the attendance and testimony of a witness, the Inspector General shall, to the degree practicable—

(A) notify the witness of the intent of the Inspector General to issue the subpoena; and

(B) provide the witness an opportunity to attend and testify voluntarily.

¹ See References in Text note below.