set out as a note under section 3345 of Title 5, Government Organization and Employees.

§ 305. Under Secretary for Health

(a)(1) There is in the Department an Under Secretary for Health, who is appointed by the President, by and with the advice and consent of the Senate.

(2) The Under Secretary for Health shall be appointed without regard to political affiliation or activity and solely—

(A) on the basis of demonstrated ability in the medical profession, in health-care administration and policy formulation, or in health-care fiscal management; and

(B) on the basis of substantial experience in connection with the programs of the Veterans Health Administration or programs of similar content and scope.

(b) The Under Secretary for Health is the head of, and is directly responsible to the Secretary for the operation of, the Veterans Health Administration.

(c)(1) Whenever a vacancy in the position of Under Secretary for Health occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

(A) Three persons representing clinical care and medical research and education activities affected by the Veterans Health Administration.

(B) Two persons representing veterans served by the Veterans Health Administration.

(C) Two persons who have experience in the management of veterans health services and research programs, or programs of similar content and scope.

(D) The Deputy Secretary of Veterans Affairs.

(E) The Chairman of the Special Medical Advisory Group established under section 7312 of this title.

(F) One person who has held the position of Under Secretary for Health (including service as Chief Medical Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the commission.

(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Health. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

(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. 379, 404; Pub. L. 102–405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 103–446, title XII, §1201(c)(1), (e)(2), Nov. 2, 1994, 108 Stat. 4683, 4685; Pub. L. 108–422, title V, §503, Nov. 30, 2004, 118 Stat. 2396; Pub. L. 109–461, title II, §210(a), Dec. 22, 2006, 120 Stat. 3418.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3(b) 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 Health shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Under Secretary for Health before the completion of the term for which the Under Secretary for Health was appointed, the President shall communicate the reasons for the removal to Congress.''

2004—Subsec. (a)(2). Pub. L. 108–422, §503(1), struck out ''shall be a doctor of medicine and'' after ''The Under Secretary for Health'' in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 108–422, §503(2), substituted ''or in health-care'' for ''and in health-care''.

1994—Subsec. (a)(1). Pub. L. 103–446, §1201(c)(1)(A), substituted ''an Under Secretary'' for ''a Under Secretary''.

Subsec. (d)(2)(F). Pub. L. 103–446, §1201(c)(1)(B), (e)(2), substituted ''Chief Medical Director of the Veterans' Administration)'' for ''Under Secretary for Health of the Department)'' and ''commission'' for ''Commission''.

1992—Pub. L. 102–405 substituted ''Under Secretary for Health'' for ''Chief Medical Director'' wherever appearing.

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

CHANGE OF NAME

Section 302(a) of Pub. L. 102–405 provided that: ''The position of Chief Medical Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Health of the Department of Veterans Affairs.''

Section 302(e) of Pub. L. 102–405 provided that: ''Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Department of Veterans Affairs—

''(1) to the Chief Medical Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Health of the Department of Veterans Affairs; and

''(2) to the Chief Benefits Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Benefits of the Department of Veterans Affairs.''

§ 306. Under Secretary for Benefits

(a) There is in the Department an Under Secretary for Benefits, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary for Benefits shall be appointed without regard to political affiliation or activity and solely on the basis of demonstrated ability in—

(1) fiscal management; and

(2) the administration of programs within the Veterans Benefits Administration or programs of similar content and scope.

(b) The Under Secretary for Benefits is the head of, and is directly responsible to the Sec-

retary for the operations of, the Veterans Benefits Administration.

(c)(1) Whenever a vacancy in the position of Under Secretary for Benefits occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

(A) Three persons representing education and training, real estate, mortgage finance, and related industries, and survivor benefits activities affected by the Veterans Benefits Administration.

(B) Two persons representing veterans served by the Veterans Benefits Administration.

(C) Two persons who have experience in the management of veterans benefits programs or programs of similar content and scope.

(D) The Deputy Secretary of Veterans Affairs.

(E) The chairman of the Veterans' Advisory Committee on Education formed under section 3692 of this title.

(F) One person who has held the position of Under Secretary for Benefits (including service as Chief Benefits Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the commission.

(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Benefits. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

(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

Section 302(b) of Pub. L. 102–405 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) There shall be in the Department not more than seven Assistant Secretaries. Each Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(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.