

THE WHITE HOUSE

WASHINGTON

January 20, 2021

MEMORANDUM FOR CAROLYN M. CLANCY

Assistant Undersecretary for Health,
Discovery, Education and Affiliate
Networks

Pursuant to the Constitution and the laws of the United States, including section 3345(a) of title 5, United States Code, you are directed to perform the duties of the office of Deputy Secretary of Veterans Affairs.

A handwritten signature in black ink, appearing to read "J. R. DeLoach". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

**Department of
Veterans Affairs**

Memorandum

Date: January 20, 2021

From: Acting Secretary (00)

Subj: Notification of Presidential Designation as Acting Deputy Secretary, Office of the Secretary, Washington, DC (4322877)

To: Carolyn M. Clancy, M.D., Assistant Under Secretary for Health, Discovery, Education and Affiliate Networks (14)

1. This is to inform you that, effective January 20, 2021, the President designated you as the Acting Deputy Secretary, Office of the Secretary.

2. The Deputy Secretary, Office of the Secretary, requires Presidential appointment by and with the consent of the Senate (PAS). The position is covered by provisions of the Federal Vacancies Reform Act of 1998 (5 U.S.C. §§ 3345 - 3349d). The Act establishes the methods by which a PAS position may be temporarily filled on an Acting basis. An Acting PAS may perform all the duties and exercise all the powers of the office and use the title of Acting PAS.

3. The President's signed designation is provided with this notification. By operation of the law, you may serve in an acting capacity for a period of up to 300¹ days from the date of the inauguration (i.e., through November 16, 2021), unless a Deputy Secretary is appointed and confirmed, or another Acting Deputy Secretary is designated by the President. If before November 16, 2021, the President submits a nomination for the position of Deputy Secretary, to the Senate, you may continue to serve in an acting capacity until the Senate acts on the nomination.² If the nomination is subsequently withdrawn, rejected, or returned, a new 210-day period, during which an Acting officer may serve, starts. If no nomination is submitted before November 16, 2021, the Acting designation ends on November 16, 2021. If a new Deputy Secretary is appointed and confirmed during the 210-day period, your Acting designation ends upon that appointment.

4. If the statutory time limit expires and a Deputy Secretary has not been appointed, you or another official may be delegated the authority to perform all delegable duties performed by the Deputy Secretary, except duties that, according to statute or regulation, must be performed only by the Deputy Secretary. During such a vacancy of the Deputy Secretary, in which an Acting officer is not designated, only the Secretary of Veterans Affairs may perform those non-delegable duties.

¹ In accordance with 5 U.S.C. § 3349a, because the vacancy exists on the date of the inauguration, the 210-day period is deemed to begin 90 days after the transitional inauguration day.

² Except, if you are nominated for the position, you will not be able to continue serving in an Acting capacity as long as the nomination is pending.

Page 2.

Subj: Notification of Presidential Designation as Acting Deputy Secretary, Office of the Secretary, Washington, DC (4322877)

5. My team will keep you apprised as events occur that may impact your status as Acting Deputy Secretary. If you have questions about the Federal Vacancies Reform Act, please contact Mr. Aaron Robison, Office of General Counsel, at 916-843-7595.

A handwritten signature in black ink that reads "Dat Tran". The signature is written in a cursive, flowing style.

Dat P. Tran