

Date: January 20, 2021

From: Acting Secretary (00)

Subj: Designation as Acting Under Secretary for Memorial Affairs, National Cemetery Administration, Washington, DC

To: Ron Walters, Principal Deputy Under Secretary for Memorial Affairs, National Cemetery Administration (40)

1. This is to inform you that, as a matter of law, effective at 12:00 p.m. on January 20, 2021, you are authorized to serve as the Acting Under Secretary for Memorial Affairs.

2. The Under Secretary for Memorial Affairs position 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 who may serve as Acting PAS and for how long. An Acting PAS may perform all the duties and exercise all the powers of the office and use the title of Acting PAS.

3. As the incumbent in the position of Principal Deputy Under Secretary for Memorial Affairs, you are the first assistant to the Under Secretary for Memorial Affairs. The designated first assistant to the PAS becomes the Acting PAS if the PAS departs the position. By operation of the law, you may serve in an acting capacity for a period of up to 300¹ days (i.e., through November 16, 2021) unless an Under Secretary for Memorial Affairs is appointed or another Acting Under Secretary for Memorial Affairs is designated by the President. If the President submits a nomination for the position of Under Secretary for Memorial Affairs to the Senate before November 16, 2021, you may continue to serve in an acting capacity until the Senate acts on the nomination. If the nomination is subsequently withdrawn, rejected or returned, a new 210-day period during which an acting officer may serve starts.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 assignment ends on November 16, 2021. If a new Under Secretary for Memorial Affairs is appointed during the 210-day period, your Acting assignment ends upon that appointment.

4. If the law requires that you no longer serve as Acting Under Secretary of Memorial Affairs because the time limit has expired, and a new Under Secretary of Memorial Affairs has not been appointed, VA may then delegate the delegable duties of the Under Secretary of Memorial Affairs to you or another official. The official with delegated authority would be authorized to perform all duties normally performed by the Under Secretary of Memorial Affairs except duties that, according to statute or regulation, must be performed only by the Under Secretary of Memorial Affairs.

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.

Page 2.

Subj: Designation as Acting Under Secretary for Memorial Affairs, National Cemetery Administration, Washington, DC

During such a vacancy of the Under Secretary of Memorial Affairs when an acting officer is not authorized, only the Secretary of Veterans Affairs may perform those duties.

5. My team will keep you apprised as events occur that may impact your status as Acting Under Secretary of Memorial Affairs. If you have questions about the law, please contact Mr. Aaron Robison in the 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