

Date: January 20, 2021

From: Acting Secretary (00)

Subj: Designation as Acting Assistant Secretary for Congressional and Legislative Affairs, Office of Congressional and Legislative Affairs, Washington, DC (VIEWS 4322877)

To: Glenn Johnson, Principal Deputy Assistant Secretary, Office of Congressional and Legislative Affairs (009)

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 Assistant Secretary for Congressional and Legislative Affairs.

2. The Assistant Secretary for Congressional and Legislative 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 Assistant Secretary, you are the first assistant to the Assistant Secretary for Congressional and Legislative 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 300<sup>1</sup> days from January 20, 2021 (i.e., through November 16, 2021) unless an Assistant Secretary for Congressional and Legislative Affairs is appointed or another Acting Assistant Secretary for Congressional and Legislative Affairs is designated by the President. If the President submits a nomination for the position of Assistant Secretary for Congressional and Legislative 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 If the nomination is subsequently withdrawn, rejected or returned, a new 210-day period during which an acting officer may serve starts.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 Assistant Secretary for Congressional and Legislative 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 Assistant Secretary for Congressional and Legislative Affairs because the time limit has expired, and a new Assistant Secretary for Congressional and Legislative Affairs has not been appointed, VA may then delegate the delegable duties of the Assistant Secretary for Congressional and Legislative Affairs to you or another official. The official with

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<sup>1</sup> 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.

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delegated authority would be authorized to perform all duties normally performed by the Assistant Secretary for Congressional and Legislative Affairs except duties that, according to statute or regulation, must be performed only by the Assistant Secretary for Congressional and Legislative Affairs. During such a vacancy of the Assistant Secretary for Congressional and Legislative Affairs when an acting officer is not authorized, only the Secretary of Veterans Affairs may perform those duties.

5. You will be kept apprised as events occur that may impact your status as Acting Assistant Secretary for Congressional and Legislative 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