

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 In-

spector 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).

¹ See References in Text note below.

(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.

(5) Whenever requiring by subpoena under paragraph (1) the attendance and testimony of a witness, the Inspector General shall, to the greatest extent practicable, travel to residence² of the witness, the principal place of business of the witness, or other similar location that is in proximity to the residence of the witness.

(6)(A) Along with each semiannual report submitted by the Inspector General pursuant to section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App. 5(b)),¹ the Inspector General shall include a report on the exercise of the authority provided by paragraph (1).

(B) Each report submitted under subparagraph (A) shall include, for the most recently completed six-month period, the following:

(i) The number of testimonial subpoenas issued and the number of individuals interviewed pursuant to such subpoenas.

(ii) The number of proposed testimonial subpoenas with respect to which the Attorney General objected under paragraph (3)(B).

(iii) A discussion of any challenges or concerns that the Inspector General has encountered exercising the authority provided by paragraph (1).

(iv) Such other matters as the Inspector General considers appropriate.

(7)(A) The authority provided by paragraph (1)(A) shall terminate on September 30, 2025.

(B) The termination of authority by subparagraph (A) shall not affect the enforceability of a subpoena issued under paragraph (1)(A) before the date of such termination.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 383; amended Pub. L. 103-446, title XII, §1201(e)(3), (g)(1), Nov. 2, 1994, 108 Stat. 4685, 4687; Pub. L. 114-113, div. J, title II, §239, Dec. 18, 2015, 129 Stat. 2700; Pub. L. 114-223, div. A, title II, §244, Sept. 29, 2016, 130 Stat. 884; Pub. L. 117-136, §2(a), June 7, 2022, 136 Stat. 1251; Pub. L. 117-286, §4(b)(60), Dec. 27, 2022, 136 Stat. 4350; Pub. L. 118-83, div. B, title III, §332, Sept. 26, 2024, 138 Stat. 1541.)

Editorial Notes

REFERENCES IN TEXT

The Inspector General Act of 1978 and that Act, referred to in subsecs. (a) and (d)(1)(A), (6)(A), is Pub. L.

² So in original. Probably should be preceded by "the".

95-452, Oct. 12, 1978, 92 Stat. 1101, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 4 (§401 et seq.) of Title 5 by Pub. L. 117-286, §3(b), 7, Dec. 27, 2022, 136 Stat. 4206, 4361. Section 5(b) of the Act was repealed and restated as section 405(c) of Title 5. For disposition of sections of the Act into chapter 4 of Title 5, see Disposition Table preceding section 101 of Title 5.

PRIOR PROVISIONS

Prior section 312 was renumbered section 1112 of this title.

Provisions similar to those in this section were contained in section 9(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

2024—Subsec. (d)(7)(A). Pub. L. 118-83 substituted "September 30, 2025" for "May 31, 2025".

2022—Subsec. (a). Pub. L. 117-286, §4(b)(60)(A), substituted "chapter 4 of title 5." for "the Inspector General Act of 1978 (5 U.S.C. App.)."

Subsec. (c)(1). Pub. L. 117-286, §4(b)(60)(B), substituted "chapter 4 of title 5," for "the Inspector General Act of 1978 (5 U.S.C. App.)."

Subsec. (d). Pub. L. 117-136 added subsec. (d).

2016—Subsec. (c)(1). Pub. L. 114-223, in introductory provisions, struck out "that makes a recommendation or otherwise suggests corrective action," after "work product".

2015—Subsec. (c). Pub. L. 114-113 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-446, §1201(e)(3), substituted "(5 U.S.C. App.)" for "(5 U.S.C. App. 3)".

Subsec. (b)(3). Pub. L. 103-446, §1201(g)(1), struck out par. (3) which read as follows: "The Secretary shall provide the number of additional full-time positions in the Office of Inspector General required by paragraph (1) not later than September 30, 1991."

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-136, §2(b), June 7, 2022, 136 Stat. 1252, provided that:

"(1) IN GENERAL.—Subsection (d) of section 312 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [June 7, 2022].

"(2) SEMIANNUAL REPORT.—Paragraph (6) of subsection (d) of such section, as so added, shall apply beginning on the date that is seven months after the first day of the first fiscal year beginning after the date of the enactment of this Act."

DEPARTMENT OF VETERANS AFFAIRS EMPLOYEE TRAINING REGARDING OFFICE OF INSPECTOR GENERAL

Pub. L. 118-210, title V, §501, Jan. 2, 2025, 138 Stat. 2797, provided that:

"(a) TRAINING.—The Secretary of Veterans Affairs shall require each employee of the Department of Veterans Affairs who begins employment with the Department on or after the date of the enactment of this Act [Jan. 2, 2025] to receive training that the Inspector General of the Department shall develop on the reporting of wrongdoing to, responding to requests from, and the

duty of cooperating with the Office of Inspector General of the Department.

“(b) TIMING OF TRAINING.—In carrying out subsection (a), the Secretary shall require each employee of the Department covered under such subsection to undergo the training required by such subsection not later than one year after the date on which the employee begins employment with the Department.

“(c) ELEMENTS.—Training developed and required under subsection (a) shall include the following:

“(1) Definition of the role, responsibilities, and legal authority of the Inspector General of the Department and the duties of employees of the Department for engaging with the Office of Inspector General.

“(2) Identification of Federal whistleblower protection rights, including the right to report fraud, waste, abuse, and other wrongdoing to Congress.

“(3) Identification of the circumstances and mechanisms for reporting fraud, waste, abuse, and other wrongdoing to the Inspector General, including making confidential complaints to the Inspector General.

“(4) Identification of the prohibitions and remedies that help to protect employees of the Department from retaliation when reporting wrongdoing to the Inspector General.

“(5) Recognition of opportunities to engage with staff of the Office of Inspector General to improve programs, operations, and services of the Department.

“(6) Notification of the authority of the Inspector General to subpoena the attendance and testimony of witnesses, including former employees of the Department, as necessary to carry out the duties of the Office of Inspector General under section 312 of title 38, United States Code.

“(d) DESIGN AND UPDATE.—The Inspector General of the Department shall design, and update as the Inspector General considers appropriate, the training developed and required by subsection (a).

“(e) SYSTEM.—The Secretary shall provide, via the talent management system of the Department, or successor system, the training developed and required under subsection (a).

“(f) RELATION TO CERTAIN TRAINING.—The Secretary shall ensure that training developed and required under subsection (a) is separate and distinct from training provided under section 733 of title 38, United States Code.

“(g) NOTICE TO EMPLOYEES.—The Secretary shall ensure that the Inspector General is afforded the opportunity, not less frequently than twice each year and more frequently if the Inspector General considers appropriate under extraordinary circumstances, to use the electronic mail system of the Department to notify all authorized users of such system of the following:

“(1) The roles and responsibilities of the employees of the Department when engaging with the Office of Inspector General.

“(2) The availability of training provided under subsection (a).

“(3) How to access training provided under subsection (a).

“(4) Information about how to contact the Office of Inspector General, including a link to any website-based reporting form of the Office.”

§ 312A. Director of Construction and Facilities Management

(a) IN GENERAL.—(1) There is in the Department a Director of Construction and Facilities Management, who shall be appointed by the Secretary.

(2) The position of Director of Construction and Facilities Management is a career reserved position, as such term is defined in section 3132(a)(8) of title 5.

(3) The Director shall provide direct support to the Secretary in matters covered by the responsibilities of the Director under subsection (c).

(4) The Director shall report to the Deputy Secretary in the discharge of the responsibilities of the Director under subsection (c).

(b) QUALIFICATIONS.—Each individual appointed as Director of Construction and Facilities Management shall be an individual who—

(1) holds an undergraduate or master's degree in architectural design or engineering; and

(2) has substantive professional experience in the area of construction project management.

(c) RESPONSIBILITIES.—(1) The Director of Construction and Facilities Management shall—

(A) be responsible for overseeing and managing the planning, design, construction, and operation of facilities and infrastructure of the Department, including major and minor construction projects; and

(B) perform such other functions as the Secretary shall prescribe.

(2) In carrying out the oversight and management of construction and operation of facilities and infrastructure under this section, the Director shall be responsible for the following:

(A) Development and updating of short-range and long-range strategic capital investment strategies and plans of the Department.

(B) Planning, design, and construction of facilities for the Department, including determining architectural and engineering requirements and ensuring compliance of the Department with applicable laws relating to the construction program of the Department.

(C) Management of the short-term and long-term leasing of real property by the Department.

(D) Repair and maintenance of facilities of the Department, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

(E) Management of procurement and acquisition processes relating to the construction and operation of facilities of the Department, including the award of contracts related to design, construction, furnishing, and supplies and equipment.

(Added Pub. L. 109-461, title VIII, §811(a), Dec. 22, 2006, 120 Stat. 3446.)

§ 313. Availability of appropriations

(a) Funds appropriated to the Department may remain available until expended.

(b) Funds appropriated to the Department may not be used for a settlement of more than \$1,000,000 on a construction contract unless—

(1) the settlement is audited by an entity outside the Department for reasonableness and appropriateness of expenditures; and

(2) the settlement is provided for specifically in an appropriation law.

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

Editorial Notes

PRIOR PROVISIONS

Prior section 313 was renumbered section 1113 of this title.