

THE WHITE HOUSE

WASHINGTON

January 20, 2021

MEMORANDUM FOR HANSEL CORDEIRO

Executive Director for Investigations,
Office of Accountability and Whistleblower
Protection

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 Assistant Secretary of Veterans Affairs (Accountability and Whistleblower Protection).

A handwritten signature in black ink, appearing to read "A. R. J.", is written in a cursive style. The signature is positioned in the lower-left quadrant of the page.

**Department of
Veterans Affairs**

Memorandum

Date: January 20, 2021

From: Acting Secretary (00)

Subj: Notification of Presidential Designation as Acting Assistant Secretary, Office of Accountability and Whistleblower Protection, Washington, DC (VIEWS 4322877)

To: Hansel Cordeiro, Executive Director of Investigations, Office of Accountability and Whistleblower Protection (70)

1. This is to inform you that, effective January 20, 2021, the President designated you as the Acting Assistant Secretary, Office of Accountability and Whistleblower Protection.
2. The Assistant Secretary, Office of Accountability and Whistleblower Protection 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 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 of 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 an Assistant Secretary is appointed and confirmed, or another Acting Assistant Secretary is designated by the President. If before November 16, 2021, the President submits a nomination for the position of Assistant Secretary, Office of Accountability and Whistleblower Protection 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may continue to serve in an Acting capacity until the Senate acts on the nomination.² If the nomination is subsequently withdrawn, rejected, or returned, a new 210-day period, during which an Acting officer may serve, starts.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 Assistant Secretary for Accountability and Whistleblower Protection is appointed and confirmed during the 210-day period, your Acting designation ends upon that appointment.
4. If the statutory time limit expires and an Assistant Secretary for the Office of Accountability and Whistleblower Protection has not been appointed, you or another official may be designated to perform all delegable duties performed by the Assistant Secretary for the Office of Accountability and Whistleblower

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.

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Protection, except duties that, according to statute or regulation, must be performed only by the Assistant Secretary for the Office of Accountability and Whistleblower Protection. During such a vacancy of the Assistant Secretary for the Office of Accountability and Whistleblower Protection, in which an Acting officer is not designated, only the Secretary of Veterans Affairs may perform those non-delegable duties.

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

A handwritten signature in cursive script that reads "Dat Tran". The letters are fluid and connected, with a prominent loop at the start of the first name.

Dat P. Tran