

116H2045

**[DISCUSSION DRAFT]**117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R.** \_\_\_\_\_

To amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

M\_\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ESTABLISHMENT OF VETERANS ECONOMIC OP-**  
4                       **PORTUNITY AND TRANSITION ADMINISTRA-**  
5                       **TION.**

6           (a) VETERANS ECONOMIC OPPORTUNITY AND TRAN-  
7       SITION ADMINISTRATION.—

1 (1) IN GENERAL.—Part V of title 38, United  
2 States Code, is amended by adding at the end the  
3 following new chapter:

4 **“CHAPTER 80—VETERANS ECONOMIC OP-**  
5 **PORTUNITY AND TRANSITION ADMIN-**  
6 **ISTRATION**

“Sec.

“8001. Organization of Administration.

“8002. Functions of Administration.

“8003. Annual report to Congress.

7 **“§ 8001. Organization of Administration**

8 “(a) VETERANS ECONOMIC OPPORTUNITY AND  
9 TRANSITION ADMINISTRATION.—There is in the Depart-  
10 ment of Veterans Affairs a Veterans Economic Oppor-  
11 tunity and Transition Administration. The primary func-  
12 tion of the Veterans Economic Opportunity and Transi-  
13 tion Administration is the administration of the programs  
14 of the Department that provide assistance related to eco-  
15 nomic opportunity to veterans and their dependents and  
16 survivors.

17 “(b) UNDER SECRETARY FOR ECONOMIC OPPOR-  
18 TUNITY AND TRANSITION.—The Veterans Economic Op-  
19 portunity and Transition Administration is under the  
20 Under Secretary for Veterans Economic Opportunity and  
21 Transition, who is directly responsible to the Secretary for  
22 the operations of the Administration.

1   **“§ 8002. Functions of Administration**

2           “The Veterans Economic Opportunity and Transition  
3 Administration is responsible for the administration of the  
4 following programs of the Department:

5           “(1) Vocational rehabilitation and employment  
6 programs.

7           “(2) Educational assistance programs.

8           “(3) Veterans’ housing loan and related pro-  
9 grams.

10           “(4) The verification of small businesses owned  
11 and controlled by veterans pursuant to subsection (f)  
12 of section 8127 of this title, including the adminis-  
13 tration of the database of veteran-owned businesses  
14 described in such subsection.

15           “(5) The Transition Assistance Program under  
16 section 1144 of title 10.

17           “(6) Any other program of the Department  
18 that the Secretary determines appropriate.

19   **“§ 8003. Annual report to Congress**

20           “The Secretary shall include in the annual report to  
21 the Congress required by section 529 of this title a report  
22 on the programs administered by the Under Secretary for  
23 Veterans Economic Opportunity and Transition. Each  
24 such report shall include the following with respect to each  
25 such program during the fiscal year covered by that re-  
26 port:

1 “(1) The number of claims received.

2 “(2) The number of claims decided.

3 “(3) The average processing time for a claim.

4 “(4) The number of successful outcomes (as de-  
5 termined by the Secretary).

6 “(5) The number of full-time equivalent em-  
7 ployees.

8 “(6) The amounts expended for information  
9 technology.”.

10 (2) CLERICAL AMENDMENTS.—The tables of  
11 chapters at the beginning of title 38, United States  
12 Code, and of part V of title 38, United States Code,  
13 are each amended by inserting after the item relat-  
14 ing to chapter 79 the following new item:

**“80. Veterans Economic Opportunity and Transition Ad-  
ministration ..... 8001”.**

15 (b) EFFECTIVE DATE.—Chapter 80 of title 38,  
16 United States Code, as added by subsection (a), shall take  
17 effect on October 1, 2022.

18 (c) AUTHORIZATION FOR APPROPRIATIONS FOR VET-  
19 ERANS BENEFITS ADMINISTRATIONS.—There is author-  
20 ized to be appropriated for fiscal year 2022 for the Gen-  
21 eral Operating Expenses account of the Veterans Benefits  
22 Administration \$3,207,000,000.

23 (d) LABOR RIGHTS.—Any labor rights, inclusion in  
24 the bargaining unit, and collective bargaining agreement

1 that affects an employee of the Department of Veterans  
2 Affairs who is transferred to the Veterans Economic Op-  
3 portunity and Transition Administration, as established  
4 under chapter 80 of title 38, United States Code, as added  
5 by subsection (a), shall apply in the same manner to such  
6 employee after such transfer.

7 **SEC. 2. UNDER SECRETARY FOR VETERANS ECONOMIC OP-**  
8 **PORTUNITY AND TRANSITION.**

9 (a) UNDER SECRETARY.—

10 (1) IN GENERAL.—Chapter 3 of title 38, United  
11 States Code, is amended by inserting after section  
12 306 the following new section:

13 **“§ 306A. Under Secretary for Veterans Economic Op-**  
14 **portunity and Transition**

15 “(a) UNDER SECRETARY.—There is in the Depart-  
16 ment an Under Secretary for Veterans Economic Oppor-  
17 tunity and Transition, who is appointed by the President,  
18 by and with the advice and consent of the Senate. The  
19 Under Secretary for Veterans Economic Opportunity and  
20 Transition shall be appointed without regard to political  
21 affiliation or activity and solely on the basis of dem-  
22 onstrated ability in—

23 “(1) information technology; and

24 “(2) the administration of programs within the  
25 Veterans Economic Opportunity and Transition Ad-

1       ministration or programs of similar content and  
2       scope.

3       “(b) RESPONSIBILITIES.—The Under Secretary for  
4 Veterans Economic Opportunity and Transition is the  
5 head of, and is directly responsible to the Secretary for  
6 the operations of, the Veterans Economic Opportunity and  
7 Transition Administration.

8       “(c) VACANCIES.—(1) Whenever a vacancy in the po-  
9 sition of Under Secretary for Veterans Economic Oppor-  
10 tunity and Transition occurs or is anticipated, the Sec-  
11 retary shall establish a commission to recommend individ-  
12 uals to the President for appointment to the position.

13       “(2) A commission established under this subsection  
14 shall be composed of the following members appointed by  
15 the Secretary:

16               “(A) Three persons representing education and  
17 training, vocational rehabilitation, employment, real  
18 estate, mortgage finance and related industries, and  
19 survivor benefits activities affected by the Veterans  
20 Economic Opportunity and Transition Administra-  
21 tion.

22               “(B) Two persons representing veterans served  
23 by the Veterans Economic Opportunity and Transi-  
24 tion Administration.

1           “(C) Two persons who have experience in the  
2           management of private sector benefits programs of  
3           similar content and scope to the economic oppor-  
4           tunity and transition programs of the Department.

5           “(D) The Deputy Secretary of Veterans Affairs.

6           “(E) The chairman of the Veterans’ Advisory  
7           Committee on Education formed under section 3692  
8           of this title.

9           “(F) One person who has held the position of  
10          Under Secretary for Veterans Economic Opportunity  
11          and Transition, if the Secretary determines that it  
12          is desirable for such person to be a member of the  
13          commission.

14          “(3) A commission established under this subsection  
15          shall recommend at least three individuals for appoint-  
16          ment to the position of Under Secretary for Veterans Eco-  
17          nomic Opportunity and Transition. The commission shall  
18          submit all recommendations to the Secretary. The Sec-  
19          retary shall forward the recommendations to the President  
20          and the Committees on Veterans’ Affairs of the Senate  
21          and House of Representatives with any comments the Sec-  
22          retary considers appropriate. Thereafter, the President  
23          may request the commission to recommend additional in-  
24          dividuals for appointment.

1 “(4) The Assistant Secretary or Deputy Assistant  
2 Secretary of Veterans Affairs who performs personnel  
3 management and labor relations functions shall serve as  
4 the executive secretary of a commission established under  
5 this subsection.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of such chapter is amended  
8 by inserting after the item relating to section 306  
9 the following new item:

“306A. Under Secretary for Veterans Economic Opportunity and Transition.”.

10 (b) CONFORMING AMENDMENTS.—Title 38, United  
11 States Code, is further amended—

12 (1) in section 306(c)(2), by striking subpara-  
13 graphs (A) and (E) and redesignating subpara-  
14 graphs (B), (C), (D), and (F), as subparagraphs (A)  
15 through (D), respectively;

16 (2) in section 317(d)(2), by inserting after  
17 “Under Secretary for Benefits,” the following: “the  
18 Under Secretary for Veterans Economic Opportunity  
19 and Transition,”;

20 (3) in section 318(d)(2), by inserting after  
21 “Under Secretary for Benefits,” the following: “the  
22 Under Secretary for Veterans Economic Opportunity  
23 and Transition,”;

24 (4) in section 516(e)(2)(C), by striking “Health  
25 and the Under Secretary for Benefits” and inserting



1 “Health, the Under Secretary for Benefits, and the  
2 Under Secretary for Veterans Economic Opportunity  
3 and Transition”;

4 (5) in section 541(a)(2)(B), by striking “Health  
5 and the Under Secretary for Benefits” and inserting  
6 “Health, the Under Secretary for Benefits, and the  
7 Under Secretary for Veterans Economic Opportunity  
8 and Transition”;

9 (6) in section 542(a)(2)(B)(iii), by striking  
10 “Health and the Under Secretary for Benefits” and  
11 inserting “Health, the Under Secretary for Benefits,  
12 and the Under Secretary for Veterans Economic Op-  
13 portunity and Transition”;

14 (7) in section 544(a)(2)(B)(vi), by striking  
15 “Health and the Under Secretary for Benefits” and  
16 inserting “Health, the Under Secretary for Benefits,  
17 and the Under Secretary for Veterans Economic Op-  
18 portunity and Transition”;

19 (8) in section 709(c)(2)(A), by inserting after  
20 “Under Secretary for Benefits,” the following: “the  
21 Under Secretary for Veterans Economic Opportunity  
22 and Transition,”;

23 (9) in section 7701(a), by inserting after “as-  
24 sistance” the following: “, other than assistance re-

1       lated to Economic Opportunity and Transition,”;  
2       and  
3           (10) in section 7703, by striking paragraphs (2)  
4       and (3) and redesignating paragraphs (4) and (5) as  
5       paragraphs (2) and (3), respectively.

6       (c) EFFECTIVE DATE.—Section 306A of title 38,  
7       United States Code, as added by subsection (a), and the  
8       amendments made by this section, shall take effect on Oc-  
9       tober 1, 2022.

10   **SEC. 3. TRANSFER OF SERVICES.**

11       (a) REPORT TO CONGRESS.—Not later than 180 days  
12       after the date of the enactment of this Act, the Secretary  
13       of Veterans Affairs shall submit to the Committees’ on  
14       Veterans Affairs of the Senate and House of Representa-  
15       tives a report on the progress toward establishing the Vet-  
16       erans Economic Opportunity and Transition Administra-  
17       tion, as established under section 8001 of title 38, United  
18       States Code, as added by section 4, and the transition of  
19       the provision of services to veterans by such Administra-  
20       tion.

21       (b) CERTIFICATION.—The Secretary of Veterans Af-  
22       fairs may not transfer the function of providing any serv-  
23       ices to veterans to the Veterans Economic Opportunity  
24       and Transition Administration, as established under sec-  
25       tion 8001 of title 38, United States Code, as added by

1 section 4 until the Secretary submits to the Committees’  
2 Veterans Affairs of the Senate and House of Representa-  
3 tives certification that—

4 (1) the transition of the provision of services to  
5 such Administration will not negatively affect the  
6 provision of such services to veterans;

7 (2) such services are ready to be transferred.

8 (c) DEADLINE FOR CERTIFICATION.—The Secretary  
9 shall submit to the Committees’ on Veterans Affairs of  
10 the Senate and House of Representatives the certification  
11 required by subsection (b)—

12 (1) no earlier than April 1, 2022; and

13 (2) no later than September 1, 2022.

14 (d) FAILURE TO CERTIFY.—If the Secretary fails to  
15 submit the certification required by subsection (b) by the  
16 date specified in subsection (c)(2), the Secretary shall sub-  
17 mit to the Committees on Veterans’ Affairs of the Senate  
18 and House of Representatives a report that includes—

19 (1) the reason why the certification was not  
20 made by such date; and

21 (2) the estimated date when the certification  
22 will be made.