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116TH CONGRESS
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[Report No. 116-]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2019

Mr. WENSTRUP (for himself, Mr. LEVIN of California, Mr. DAVID P. ROE of Tennessee, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY --, 2019

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 3, 2019]

A BILL

To amend title 38, United States Code, to establish the Veterans Economic Opportunity and Transition Administration and the Under Secretary for Veterans Economic Opportunity and Transition of the Department of Veterans Affairs, 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 TRANSI-*
7 *TION ADMINISTRATION.—*

8 *(1) IN GENERAL.—Part V of title 38, United*
9 *States Code, is amended by adding at the end the fol-*
10 *lowing new chapter:*

11 **“CHAPTER 80—VETERANS ECONOMIC OP-**
12 **PORTUNITY AND TRANSITION ADMIN-**
13 **ISTRATION**

“Sec.

“8001. Organization of Administration.

“8002. Functions of Administration.

“8003. Annual report to Congress.

14 **“§ 8001. Organization of Administration**

15 *“(a) VETERANS ECONOMIC OPPORTUNITY AND TRAN-*
16 *SITION ADMINISTRATION.—There is in the Department of*
17 *Veterans Affairs a Veterans Economic Opportunity and*
18 *Transition Administration. The primary function of the*
19 *Veterans Economic Opportunity and Transition Adminis-*
20 *tration is the administration of the programs of the Depart-*
21 *ment that provide assistance related to economic oppor-*
22 *tunity to veterans and their dependents and survivors.*

1 “(b) *UNDER SECRETARY FOR ECONOMIC OPPOR-*
2 *TUNITY AND TRANSITION.—The Veterans Economic Oppor-*
3 *tunity and Transition Administration is under the Under*
4 *Secretary for Veterans Economic Opportunity and Transi-*
5 *tion, who is directly responsible to the Secretary for the op-*
6 *erations of the Administration.*

7 “**§ 8002. Functions of Administration**

8 “*The Veterans Economic Opportunity and Transition*
9 *Administration is responsible for the administration of the*
10 *following programs of the Department:*

11 “(1) *Vocational rehabilitation and employment*
12 *programs.*

13 “(2) *Educational assistance programs.*

14 “(3) *Veterans’ housing loan and related pro-*
15 *grams.*

16 “(4) *The verification of small businesses owned*
17 *and controlled by veterans pursuant to subsection (f)*
18 *of section 8127 of this title, including the administra-*
19 *tion of the database of veteran-owned businesses de-*
20 *scribed in such subsection.*

21 “(5) *The Transition Assistance Program under*
22 *section 1144 of title 10.*

23 “(6) *Any other program of the Department that*
24 *the Secretary determines appropriate.*

1 **“§ 8003. Annual report to Congress**

2 *“The Secretary shall include in the annual report to*
3 *the Congress required by section 529 of this title a report*
4 *on the programs administered by the Under Secretary for*
5 *Veterans Economic Opportunity and Transition. Each such*
6 *report shall include the following with respect to each such*
7 *program during the fiscal year covered by that report:*

8 *“(1) The number of claims received.*

9 *“(2) The number of claims decided.*

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

11 *“(4) The number of successful outcomes (as deter-*
12 *mined by the Secretary).*

13 *“(5) The number of full-time equivalent employ-*
14 *ees.*

15 *“(6) The amounts expended for information tech-*
16 *nology.”.*

17 (2) *CLERICAL AMENDMENTS.—The tables of*
18 *chapters at the beginning of title 38, United States*
19 *Code, and of part V of title 38, United States Code,*
20 *are each amended by inserting after the item relating*
21 *to chapter 79 the following new item:*

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

22 (b) *EFFECTIVE DATE.—Chapter 80 of title 38, United*
23 *States Code, as added by subsection (a), shall take effect*
24 *on October 1, 2020.*

1 (c) *AUTHORIZATION FOR APPROPRIATIONS FOR VET-*
2 *ERANS BENEFITS ADMINISTRATIONS.*—*There is authorized*
3 *to be appropriated for fiscal year 2020 for the General Op-*
4 *erating Expenses account of the Veterans Benefits Adminis-*
5 *tration \$3,025,000,000.*

6 (d) *LABOR RIGHTS.*—*Any labor rights, inclusion in*
7 *the bargaining unit, and collective bargaining agreement*
8 *that affects an employee of the Department of Veterans Af-*
9 *fairs who is transferred to the Veterans Economic Oppor-*
10 *tunity and Transition Administration, as established under*
11 *chapter 80 of title 38, United States Code, as added by sub-*
12 *section (a), shall apply in the same manner to such em-*
13 *ployee after such transfer.*

14 **SEC. 2. UNDER SECRETARY FOR VETERANS ECONOMIC OP-**
15 **PORTUNITY AND TRANSITION.**

16 (a) *UNDER SECRETARY.*—

17 (1) *IN GENERAL.*—*Chapter 3 of title 38, United*
18 *States Code, is amended by inserting after section 306*
19 *the following new section:*

20 **“§ 306A. Under Secretary for Veterans Economic Op-**
21 **portunity and Transition**

22 “(a) *UNDER SECRETARY.*—*There is in the Department*
23 *an Under Secretary for Veterans Economic Opportunity*
24 *and Transition, who is appointed by the President, by and*
25 *with the advice and consent of the Senate. The Under Sec-*

1 *retary for Veterans Economic Opportunity and Transition*
2 *shall be appointed without regard to political affiliation or*
3 *activity and solely on the basis of demonstrated ability in—*

4 “(1) *information technology; and*

5 “(2) *the administration of programs within the*
6 *Veterans Economic Opportunity and Transition Ad-*
7 *ministration or programs of similar content and*
8 *scope.*

9 “(b) *RESPONSIBILITIES.—The Under Secretary for*
10 *Veterans Economic Opportunity and Transition is the head*
11 *of, and is directly responsible to the Secretary for the oper-*
12 *ations of, the Veterans Economic Opportunity and Transi-*
13 *tion Administration.*

14 “(c) *VACANCIES.—(1) Whenever a vacancy in the posi-*
15 *tion of Under Secretary for Veterans Economic Oppor-*
16 *tunity and Transition occurs or is anticipated, the Sec-*
17 *retary shall establish a commission to recommend individ-*
18 *uals to the President for appointment to the position.*

19 “(2) *A commission established under this subsection*
20 *shall be composed of the following members appointed by*
21 *the Secretary:*

22 “(A) *Three persons representing education and*
23 *training, vocational rehabilitation, employment, real*
24 *estate, mortgage finance and related industries, and*
25 *survivor benefits activities affected by the Veterans*

1 *Economic Opportunity and Transition Administra-*
2 *tion.*

3 “(B) *Two persons representing veterans served*
4 *by the Veterans Economic Opportunity and Transi-*
5 *tion Administration.*

6 “(C) *Two persons who have experience in the*
7 *management of private sector benefits programs of*
8 *similar content and scope to the economic oppor-*
9 *tunity and transition programs of the Department.*

10 “(D) *The Deputy Secretary of Veterans Affairs.*

11 “(E) *The chairman of the Veterans’ Advisory*
12 *Committee on Education formed under section 3692*
13 *of this title.*

14 “(F) *One person who has held the position of*
15 *Under Secretary for Veterans Economic Opportunity*
16 *and Transition, if the Secretary determines that it is*
17 *desirable for such person to be a member of the com-*
18 *mission.*

19 “(3) *A commission established under this subsection*
20 *shall recommend at least three individuals for appointment*
21 *to the position of Under Secretary for Veterans Economic*
22 *Opportunity and Transition. The commission shall submit*
23 *all recommendations to the Secretary. The Secretary shall*
24 *forward the recommendations to the President and the Com-*
25 *mittees on Veterans’ Affairs of the Senate and House of*

1 *Representatives with any comments the Secretary considers*
2 *appropriate. Thereafter, the President may request the com-*
3 *mission to recommend additional individuals for appoint-*
4 *ment.*

5 “(4) *The Assistant Secretary or Deputy Assistant Sec-*
6 *retary of Veterans Affairs who performs personnel manage-*
7 *ment and labor relations functions shall serve as the execu-*
8 *tive secretary of a commission established under this sub-*
9 *section.*”.

10 (2) *CLERICAL AMENDMENT.—The table of sec-*
11 *tions at the beginning of such chapter is amended by*
12 *inserting after the item relating to section 306 the fol-*
13 *lowing new item:*

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

14 (b) *CONFORMING AMENDMENTS.—Title 38, United*
15 *States Code, is further amended—*

16 (1) *in section 306(c)(2), by striking subpara-*
17 *graphs (A) and (E) and redesignating subparagraphs*
18 *(B), (C), (D), and (F), as subparagraphs (A) through*
19 *(D), respectively;*

20 (2) *in section 317(d)(2), by inserting after*
21 *“Under Secretary for Benefits,” the following: “the*
22 *Under Secretary for Veterans Economic Opportunity*
23 *and Transition,”;*

24 (3) *in section 318(d)(2), by inserting after*
25 *“Under Secretary for Benefits,” the following: “the*

1 *Under Secretary for Veterans Economic Opportunity*
2 *and Transition,”;*

3 (4) *in section 516(e)(2)(C), by striking “Health*
4 *and the Under Secretary for Benefits” and inserting*
5 *“Health, the Under Secretary for Benefits, and the*
6 *Under Secretary for Veterans Economic Opportunity*
7 *and Transition”;*

8 (5) *in section 541(a)(2)(B), by striking “Health*
9 *and the Under Secretary for Benefits” and inserting*
10 *“Health, the Under Secretary for Benefits, and the*
11 *Under Secretary for Veterans Economic Opportunity*
12 *and Transition”;*

13 (6) *in section 542(a)(2)(B)(iii), by striking*
14 *“Health and the Under Secretary for Benefits” and*
15 *inserting “Health, the Under Secretary for Benefits,*
16 *and the Under Secretary for Veterans Economic Op-*
17 *portunity and Transition”;*

18 (7) *in section 544(a)(2)(B)(vi), by striking*
19 *“Health and the Under Secretary for Benefits” and*
20 *inserting “Health, the Under Secretary for Benefits,*
21 *and the Under Secretary for Veterans Economic Op-*
22 *portunity and Transition”;*

23 (8) *in section 709(c)(2)(A), by inserting after*
24 *“Under Secretary for Benefits,” the following: “the*

1 *Under Secretary for Veterans Economic Opportunity*
2 *and Transition,”;*

3 (9) *in section 7701(a), by inserting after “assist-*
4 *ance” the following: “, other than assistance related to*
5 *Economic Opportunity and Transition,”; and*

6 (10) *in section 7703, by striking paragraphs (2)*
7 *and (3) and redesignating paragraphs (4) and (5) as*
8 *paragraphs (2) and (3), respectively.*

9 (c) *EFFECTIVE DATE.*—*Section 306A of title 38,*
10 *United States Code, as added by subsection (a), and the*
11 *amendments made by this section, shall take effect on Octo-*
12 *ber 1, 2020.*

13 **SEC. 3. TRANSFER OF SERVICES.**

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

23 (b) *CERTIFICATION.*—*The Secretary of Veterans Af-*
24 *fairs may not transfer the function of providing any serv-*
25 *ices to veterans to the Veterans Economic Opportunity and*

1 *Transition Administration, as established under section*
2 *8001 of title 38, United States Code, as added by section*
3 *4 until the Secretary submits to the Committees' Veterans*
4 *Affairs of the Senate and House of Representatives certifi-*
5 *cation that—*

6 (1) *the transition of the provision of services to*
7 *such Administration will not negatively affect the*
8 *provision of such services to veterans;*

9 (2) *such services are ready to be transferred.*

10 (c) *DEADLINE FOR CERTIFICATION.—The Secretary*
11 *shall submit to the Committees' on Veterans Affairs of the*
12 *Senate and House of Representatives the certification re-*
13 *quired by subsection (b)—*

14 (1) *no earlier than April 1, 2020; and*

15 (2) *no later than September 1, 2020.*

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

21 (1) *the reason why the certification was not*
22 *made by such date; and*

23 (2) *the estimated date when the certification will*
24 *be made.*

Amend the title so as to read: “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.”.