

## Union Calendar No.

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2494

[Report No. 117-]

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

APRIL 13, 2021

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

MAY --, 2021

Committed to the Committee of the Whole House on the State of the Union,  
and ordered to be printed

# **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.—

8 (1) IN GENERAL.—Part V of title 38, United  
9 States Code, is amended by adding at the end the  
10 following 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  
16 TRANSITION ADMINISTRATION.—There is in the Depart-  
17 ment of Veterans Affairs a Veterans Economic Oppor-  
18 tunity and Transition Administration. The primary func-  
19 tion of the Veterans Economic Opportunity and Transi-  
20 tion Administration is the administration of the programs  
21 of the Department that provide assistance related to eco-  
22 nomic opportunity to veterans and their dependents and  
23 survivors.

1           “(b) UNDER SECRETARY FOR ECONOMIC OPPOR-  
2 TUNITY AND TRANSITION.—The Veterans Economic Op-  
3 portunity and Transition Administration is under the  
4 Under Secretary for Veterans Economic Opportunity and  
5 Transition, who is directly responsible to the Secretary for  
6 the operations 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 adminis-  
19 tration of the database of veteran-owned businesses  
20 described in such subsection.

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

23           “(6) Any other program of the Department  
24 that 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  
6 such report shall include the following with respect to each  
7 such program during the fiscal year covered by that re-  
8 port:

9 “(1) The number of claims received.

10 “(2) The number of claims decided.

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

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

14 “(5) The number of full-time equivalent em-  
15 ployees.

16 “(6) The amounts expended for information  
17 technology.”.

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

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

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

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

9 (d) LABOR RIGHTS.—Any labor rights, inclusion in  
10 the bargaining unit, and collective bargaining agreement  
11 that affects an employee of the Department of Veterans  
12 Affairs who is transferred to the Veterans Economic Op-  
13 portunity and Transition Administration, as established  
14 under chapter 80 of title 38, United States Code, as added  
15 by subsection (a), shall apply in the same manner to such  
16 employee after such transfer.

17 **SEC. 2. UNDER SECRETARY FOR VETERANS ECONOMIC OP-**  
18 **PORTUNITY AND TRANSITION.**

19 (a) UNDER SECRETARY.—

20 (1) IN GENERAL.—Chapter 3 of title 38, United  
21 States Code, is amended by inserting after section  
22 306 the following new section:

1 **“§ 306A. Under Secretary for Veterans Economic Op-**  
2 **portunity and Transition**

3 “(a) UNDER SECRETARY.—There is in the Depart-  
4 ment an Under Secretary for Veterans Economic Oppor-  
5 tunity and Transition, who is appointed by the President,  
6 by and with the advice and consent of the Senate. The  
7 Under Secretary for Veterans Economic Opportunity and  
8 Transition shall be appointed without regard to political  
9 affiliation or activity and solely on the basis of dem-  
10 onstrated ability in—

11 “(1) information technology; and

12 “(2) the administration of programs within the  
13 Veterans Economic Opportunity and Transition Ad-  
14 ministration or programs of similar content and  
15 scope.

16 “(b) RESPONSIBILITIES.—The Under Secretary for  
17 Veterans Economic Opportunity and Transition is the  
18 head of, and is directly responsible to the Secretary for  
19 the operations of, the Veterans Economic Opportunity and  
20 Transition Administration.

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

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

4           “(A) Three persons representing education and  
5 training, vocational rehabilitation, employment, real  
6 estate, mortgage finance and related industries, and  
7 survivor benefits activities affected by the Veterans  
8 Economic Opportunity and Transition Administra-  
9 tion.

10           “(B) Two persons representing veterans served  
11 by the Veterans Economic Opportunity and Transi-  
12 tion Administration.

13           “(C) Two persons who have experience in the  
14 management of private sector benefits programs of  
15 similar content and scope to the economic oppor-  
16 tunity and transition programs of the Department.

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

18           “(E) The chairman of the Veterans’ Advisory  
19 Committee on Education formed under section 3692  
20 of this title.

21           “(F) One person who has held the position of  
22 Under Secretary for Veterans Economic Opportunity  
23 and Transition, if the Secretary determines that it  
24 is desirable for such person to be a member of the  
25 commission.



1           “(3) A commission established under this subsection  
2 shall recommend at least three individuals for appoint-  
3 ment to the position of Under Secretary for Veterans Eco-  
4 nomic Opportunity and Transition. The commission shall  
5 submit all recommendations to the Secretary. The Sec-  
6 retary shall forward the recommendations to the President  
7 and the Committees on Veterans’ Affairs of the Senate  
8 and House of Representatives with any comments the Sec-  
9 retary considers appropriate. Thereafter, the President  
10 may request the commission to recommend additional in-  
11 dividuals for appointment.

12           “(4) The Assistant Secretary or Deputy Assistant  
13 Secretary of Veterans Affairs who performs personnel  
14 management and labor relations functions shall serve as  
15 the executive secretary of a commission established under  
16 this subsection.”.

17           (2) CLERICAL AMENDMENT.—The table of sec-  
18 tions at the beginning of such chapter is amended  
19 by inserting after the item relating to section 306  
20 the following new item:

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

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

23           (1) in section 306(c)(2), by striking subpara-  
24 graphs (A) and (E) and redesignating subpara-

1 graphs (B), (C), (D), and (F), as subparagraphs (A)  
2 through (D), respectively;

3 (2) in section 317(d)(2), by inserting after  
4 “Under Secretary for Benefits,” the following: “the  
5 Under Secretary for Veterans Economic Opportunity  
6 and Transition,”;

7 (3) in section 318(d)(2), by inserting after  
8 “Under Secretary for Benefits,” the following: “the  
9 Under Secretary for Veterans Economic Opportunity  
10 and Transition,”;

11 (4) in section 516(e)(2)(C), by striking “Health  
12 and the Under Secretary for Benefits” and inserting  
13 “Health, the Under Secretary for Benefits, and the  
14 Under Secretary for Veterans Economic Opportunity  
15 and Transition”;

16 (5) in section 541(a)(2)(B), by striking “Health  
17 and the Under Secretary for Benefits” and inserting  
18 “Health, the Under Secretary for Benefits, and the  
19 Under Secretary for Veterans Economic Opportunity  
20 and Transition”;

21 (6) in section 542(a)(2)(B)(iii), by striking  
22 “Health and the Under Secretary for Benefits” and  
23 inserting “Health, the Under Secretary for Benefits,  
24 and the Under Secretary for Veterans Economic Op-  
25 portunity and Transition”;

1 (7) in section 544(a)(2)(B)(vi), by striking  
2 “Health and the Under Secretary for Benefits” and  
3 inserting “Health, the Under Secretary for Benefits,  
4 and the Under Secretary for Veterans Economic Op-  
5 portunity and Transition”;

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

10 (9) in section 7701(a), by inserting after “as-  
11 sistance” the following: “, other than assistance re-  
12 lated to Economic Opportunity and Transition,”;  
13 and

14 (10) in section 7703, by striking paragraphs (2)  
15 and (3) and redesignating paragraphs (4) and (5) as  
16 paragraphs (2) and (3), respectively.

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

21 **SEC. 3. TRANSFER OF SERVICES.**

22 (a) REPORT TO CONGRESS.—Not later than 180 days  
23 after the date of the enactment of this Act, the Secretary  
24 of Veterans Affairs shall submit to the Committees on  
25 Veterans’ Affairs of the Senate and House of Representa-

1 tives a report on the progress toward establishing the Vet-  
2 erans Economic Opportunity and Transition Administra-  
3 tion, as established under section 8001 of title 38, United  
4 States Code, as added by section 4, and the transition of  
5 the provision of services to veterans by such Administra-  
6 tion.

7 (b) CERTIFICATION.—The Secretary of Veterans Af-  
8 fairs may not transfer the function of providing any serv-  
9 ices to veterans to the Veterans Economic Opportunity  
10 and Transition Administration, as established under sec-  
11 tion 8001 of title 38, United States Code, as added by  
12 section 4 until the Secretary submits to the Committees  
13 on Veterans' Affairs of the Senate and House of Rep-  
14 resentatives certification that—

15 (1) the transition of the provision of services to  
16 such Administration will not negatively affect the  
17 provision of such services to veterans;

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

19 (c) DEADLINE FOR CERTIFICATION.—The Secretary  
20 shall submit to the Committees on Veterans' Affairs of  
21 the Senate and House of Representatives the certification  
22 required by subsection (b)—

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

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

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

6           (1) the reason why the certification was not  
7 made by such date; and

8           (2) the estimated date when the certification  
9 will be made.