

115TH CONGRESS
2D SESSION

H. R. 5693

IN THE SENATE OF THE UNITED STATES

JULY 26, 2018

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the placement of veterans in non-Department medical foster homes for certain veterans who are unable to live independently, 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, to amend the interest rate for certain loans guaranteed under the home loan program 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. SHORT TITLE.**

4 This Act may be cited as the “Long-Term Care Vet-
5 erans Choice Act”.

6 **SEC. 2. SECRETARY OF VETERANS AFFAIRS CONTRACT AU-**
7 **THORITY FOR PLACEMENT OF VETERANS IN**
8 **NON-DEPARTMENT MEDICAL FOSTER HOMES.**

9 (a) **AUTHORITY.**—Section 1720 of title 38, United
10 States Code, is amended by adding at the end the fol-
11 lowing new subsection:

12 “(h)(1) During the three-year period beginning on
13 October 1, 2019, and subject to paragraph (2), at the re-
14 quest of a veteran for whom the Secretary is required to
15 provide nursing home care under section 1710A of this
16 title, the Secretary may place the veteran in a medical fos-
17 ter home that meets Department standards, at the ex-
18 pense of the United States, pursuant to a contract, agree-
19 ment, or other arrangement entered into between the Sec-
20 retary and the medical foster home for such purpose. A
21 veteran who is placed in a medical foster home under this
22 subsection shall agree, as a condition of such placement,
23 to accept home health services furnished by the Secretary
24 under section 1717 of this title.

1 “(2) In any year, not more than a daily average of
 2 900 veterans placed in a medical foster home, whether
 3 placed before or after the date of the enactment of this
 4 subsection, may have their care covered at the expense of
 5 the United States under subsection (a).

6 “(3) In this subsection, the term ‘medical foster
 7 home’ means a home designed to provide non-institutional,
 8 long-term, supportive care for veterans who are unable to
 9 live independently and prefer a family setting.”.

10 (b) EFFECTIVE DATE.—Subsection (h) of title 38,
 11 United States Code, as added by subsection (a), shall take
 12 effect on October 1, 2019.

13 **SEC. 3. ESTABLISHMENT OF VETERANS ECONOMIC OPPOR-**
 14 **TUNITY AND TRANSITION ADMINISTRATION.**

15 (a) VETERANS ECONOMIC OPPORTUNITY AND TRAN-
 16 SITION ADMINISTRATION.—

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

20 **“CHAPTER 80—VETERANS ECONOMIC OP-**
 21 **PORTUNITY AND TRANSITION ADMIN-**
 22 **ISTRATION**

“8001. Organization of Administration.

“8002. Functions of Administration.

“8003. Annual report to Congress.

1 **“§ 8001. Organization of Administration**

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

11 “(b) UNDER SECRETARY FOR ECONOMIC OPPOR-
12 TUNITY AND TRANSITION.—The Veterans Economic Op-
13 portunity and Transition Administration is under the
14 Under Secretary for Veterans Economic Opportunity and
15 Transition, who is directly responsible to the Secretary for
16 the operations of the Administration.

17 **“§ 8002. Functions of Administration**

18 “The Veterans Economic Opportunity and Transition
19 Administration is responsible for the administration of the
20 following programs of the Department:

21 “(1) Vocational rehabilitation and employment
22 programs.

23 “(2) Educational assistance programs.

24 “(3) Veterans’ housing loan and related pro-
25 grams.

1 “(4) The verification of small businesses owned
2 and controlled by veterans pursuant to subsection (f)
3 of section 8127 of this title, including the adminis-
4 tration of the database of veteran-owned businesses
5 described in such subsection.

6 “(5) The Transition Assistance Program under
7 section 1144 of title 10.

8 “(6) Any other program of the Department
9 that the Secretary determines appropriate.

10 **“§ 8003. Annual report to Congress**

11 “The Secretary shall include in the annual report to
12 the Congress required by section 529 of this title a report
13 on the programs administered by the Under Secretary for
14 Veterans Economic Opportunity and Transition. Each
15 such report shall include the following with respect to each
16 such program during the fiscal year covered by that re-
17 port:

18 “(1) The number of claims received.

19 “(2) The number of claims decided.

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

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

23 “(5) The number of full-time equivalent em-
24 ployees.

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

“80. Veterans Economic Opportunity and Transition Administration 8001”.

(b) EFFECTIVE DATE.—Chapter 80 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2019.

(c) FULL-TIME EMPLOYEES.—For fiscal years 2019 and 2020, the total number of full-time equivalent employees authorized for the Veterans Benefits Administration and the Veterans Economic Opportunity and Transition Administration, as established under chapter 80 of title 38, United States Code, as added by subsection (a), may not exceed 23,692.

18 SEC. 4. UNDER SECRETARY FOR VETERANS ECONOMIC OP-
19 PORTUNITY AND TRANSITION.

20 (a) UNDER SECRETARY.—

(1) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by inserting after section 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, 2019.

21 **SEC. 5. LOANS GUARANTEED UNDER HOME LOAN PRO-**
22 **GRAM OF DEPARTMENT OF VETERANS AF-**
23 **FAIRS.**

24 Section 3729(b)(2)(E) of such title is amended to
25 read as follows:

“Type of loan	Active duty veteran	Reservist	Other obli- gor
(E)(i) Interest rate reduction refi- nancing loan (closed before Jan- uary 1, 2019)	0.50	0.50	NA
(E)(ii) Interest rate reduction refi- nancing loan (closed on or after January 1, 2019, but before March 1, 2025)	0.75	0.75	NA
(E)(iii) Interest rate reduction refi- nancing loan (closed on or after March 1, 2025)	0.50	0.50	NA”.

Passed the House of Representatives July 25, 2018.

Attest:

KAREN L. HAAS,

Clerk.