

117TH CONGRESS
1ST SESSION

H. R. 2494

IN THE SENATE OF THE UNITED STATES

MAY 19, 2021

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

AN ACT

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,*

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

4 (a) VETERANS ECONOMIC OPPORTUNITY AND TRAN-
 5 SITION ADMINISTRATION.—

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

9 **“CHAPTER 80—VETERANS ECONOMIC OP-**
 10 **PORTUNITY AND TRANSITION ADMIN-**
 11 **ISTRATION**

“Sec.

“8001. Organization of Administration.

“8002. Functions of Administration.

“8003. Annual report to Congress.

12 **“§ 8001. Organization of Administration**

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

22 “(b) UNDER SECRETARY FOR ECONOMIC OPPOR-
 23 TUNITY AND TRANSITION.—The Veterans Economic Op-

1 portunity and Transition Administration is under the
2 Under Secretary for Veterans Economic Opportunity and
3 Transition, who is directly responsible to the Secretary for
4 the operations of the Administration.

5 **“§ 8002. Functions of Administration**

6 “The Veterans Economic Opportunity and Transition
7 Administration is responsible for the administration of the
8 following programs of the Department:

9 “(1) Vocational rehabilitation and employment
10 programs.

11 “(2) Educational assistance programs.

12 “(3) Veterans’ housing loan and related pro-
13 grams.

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

19 “(5) The Transition Assistance Program under
20 section 1144 of title 10.

21 “(6) Any other program of the Department
22 that the Secretary determines appropriate.

23 **“§ 8003. Annual report to Congress**

24 “The Secretary shall include in the annual report to
25 the Congress required by section 529 of this title a report

1 on the programs administered by the Under Secretary for
 2 Veterans Economic Opportunity and Transition. Each
 3 such report shall include the following with respect to each
 4 such program during the fiscal year covered by that re-
 5 port:

6 “(1) The number of claims received.

7 “(2) The number of claims decided.

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

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

11 “(5) The number of full-time equivalent em-
 12 ployees.

13 “(6) The amounts expended for information
 14 technology.”.

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

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

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

23 (c) AUTHORIZATION FOR APPROPRIATIONS FOR VET-
 24 ERANS BENEFITS ADMINISTRATIONS.—There is author-

1 ized to be appropriated for fiscal year 2022 for the Gen-
 2 eral Operating Expenses account of the Veterans Benefits
 3 Administration \$3,207,000,000.

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

12 **SEC. 2. UNDER SECRETARY FOR VETERANS ECONOMIC OP-**
 13 **PORTUNITY AND TRANSITION.**

14 (a) UNDER SECRETARY.—

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

18 **“§ 306A. Under Secretary for Veterans Economic Op-**
 19 **portunity and Transition**

20 “(a) UNDER SECRETARY.—There is in the Depart-
 21 ment an Under Secretary for Veterans Economic Oppor-
 22 tunity and Transition, who is appointed by the President,
 23 by and with the advice and consent of the Senate. The
 24 Under Secretary for Veterans Economic Opportunity and
 25 Transition shall be appointed without regard to political

1 affiliation or activity and solely on the basis of dem-
2 onstrated ability in—

3 “(1) information technology; and

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

8 “(b) RESPONSIBILITIES.—The Under Secretary for
9 Veterans Economic Opportunity and Transition is the
10 head of, and is directly responsible to the Secretary for
11 the operations of, the Veterans Economic Opportunity and
12 Transition Administration.

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

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

21 “(A) Three persons representing education and
22 training, vocational rehabilitation, employment, real
23 estate, mortgage finance and related industries, and
24 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
17 is desirable for such person to be a member of the
18 commission.

19 “(3) A commission established under this subsection
20 shall recommend at least three individuals for appoint-
21 ment to the position of Under Secretary for Veterans Eco-
22 nomic Opportunity and Transition. The commission shall
23 submit all recommendations to the Secretary. The Sec-
24 retary shall forward the recommendations to the President
25 and the Committees on Veterans’ Affairs of the Senate

1 and House of Representatives with any comments the Sec-
 2 retary considers appropriate. Thereafter, the President
 3 may request the commission to recommend additional in-
 4 dividuals for appointment.

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

10 (2) CLERICAL AMENDMENT.—The table of sec-
 11 tions at the beginning of such chapter is amended
 12 by inserting after the item relating to section 306
 13 the following 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 subpara-
 18 graphs (B), (C), (D), and (F), as subparagraphs (A)
 19 through (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 “as-
4 sistance” the following: “, other than assistance re-
5 lated to Economic Opportunity and Transition,”;
6 and

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

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

14 **SEC. 3. TRANSFER OF SERVICES.**

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

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

9 (1) the transition of the provision of services to
10 such Administration will not negatively affect the
11 provision of such services to veterans;

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

13 (c) DEADLINE FOR CERTIFICATION.—The Secretary
14 shall submit to the Committees on Veterans’ Affairs of
15 the Senate and House of Representatives the certification
16 required by subsection (b)—

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

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

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

24 (1) the reason why the certification was not
25 made by such date; and

Attest: **CHERYL L. JOHNSON,**
Clerk.