

118TH CONGRESS
1ST SESSION

S. 291

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

Mr. RUBIO (for himself, Mr. SCOTT of Florida, Ms. HASSAN, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish in the Department of Veterans Affairs 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, 2023.

18 (c) AUTHORIZATION FOR APPROPRIATIONS FOR VET-
19 ERANS BENEFITS ADMINISTRATIONS.—There is author-
20 ized to be appropriated for fiscal year 2023 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, 2023.

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 Committee on Vet-
14 erans Affairs of the Senate and the Committee on Vet-
15 erans’ Affairs of the House of Representatives a report
16 on the progress toward establishing the Veterans Eco-
17 nomic Opportunity and Transition Administration, as es-
18 tablished under section 8001 of title 38, United States
19 Code, as added by section 1, and the transition of the pro-
20 vision of services to veterans by such Administration.

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 1, until the Secretary submits to the Committee
2 on Veterans' Affairs of the Senate and the Committee on
3 Veterans' Affairs of the House of Representatives certifi-
4 cation that—

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

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

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

14 (1) no earlier than April 1, 2023; and

15 (2) no later than September 1, 2023.

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 Committee on Veterans' Affairs of the Senate
20 and the Committee on Veterans' Affairs of the House of
21 Representatives a report that includes—

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

- 1 (2) the estimated date when the certification
- 2 will be made.

