

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

MAY 16, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TAKANO, from the Committee on Veterans' Affairs, submitted the following

R E P O R T

[To accompany H.R. 2045]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 2045) 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, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary .....	4
Background and Need for Legislation .....	5
Hearings .....	7
Subcommittee Consideration .....	8
Committee Consideration .....	8
Committee Votes .....	8
Committee Oversight Findings .....	8
Statement of General Performance Goals and Objectives .....	8
New Budget Authority, Entitlement Authority, and Tax Expenditures .....	8
Earmarks and Tax and Tariff Benefits .....	9
Committee Cost Estimate .....	9
Congressional Budget Office Estimate .....	9
Federal Mandates Statement .....	9
Advisory Committee Statement .....	9
Constitutional Authority Statement .....	9
Applicability to Legislative Branch .....	9
Statement on Duplication of Federal Programs .....	9
Disclosure of Directed Rulemaking .....	10
Section-by-Section Analysis of the Legislation .....	10
Changes in Existing Law Made by the Bill as Reported .....	10

The amendments are as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. ESTABLISHMENT OF VETERANS ECONOMIC OPPORTUNITY AND TRANSITION ADMINISTRATION.**

(a) VETERANS ECONOMIC OPPORTUNITY AND TRANSITION ADMINISTRATION.—

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

**“CHAPTER 80—VETERANS ECONOMIC OPPORTUNITY AND TRANSITION ADMINISTRATION**

- “Sec.
- “8001. Organization of Administration.
- “8002. Functions of Administration.
- “8003. Annual report to Congress.

**“§ 8001. Organization of Administration**

“(a) VETERANS ECONOMIC OPPORTUNITY AND TRANSITION ADMINISTRATION.—There is in the Department of Veterans Affairs a Veterans Economic Opportunity and Transition Administration. The primary function of the Veterans Economic Opportunity and Transition Administration is the administration of the programs of the Department that provide assistance related to economic opportunity to veterans and their dependents and survivors.

“(b) UNDER SECRETARY FOR ECONOMIC OPPORTUNITY AND TRANSITION.—The Veterans Economic Opportunity and Transition Administration is under the Under Secretary for Veterans Economic Opportunity and Transition, who is directly responsible to the Secretary for the operations of the Administration.

**“§ 8002. Functions of Administration**

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

- “(1) Vocational rehabilitation and employment programs.
- “(2) Educational assistance programs.
- “(3) Veterans’ housing loan and related programs.
- “(4) The verification of small businesses owned and controlled by veterans pursuant to subsection (f) of section 8127 of this title, including the administration of the database of veteran-owned businesses described in such subsection.
- “(5) The Transition Assistance Program under section 1144 of title 10.
- “(6) Any other program of the Department that the Secretary determines appropriate.

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

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

- “(1) The number of claims received.
- “(2) The number of claims decided.
- “(3) The average processing time for a claim.
- “(4) The number of successful outcomes (as determined by the Secretary).
- “(5) The number of full-time equivalent employees.
- “(6) The amounts expended for information technology.”.

(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, 2020.

(c) AUTHORIZATION FOR APPROPRIATIONS FOR VETERANS BENEFITS ADMINISTRATIONS.—There is authorized to be appropriated for fiscal year 2020 for the General Operating Expenses account of the Veterans Benefits Administration \$3,025,000,000.

(d) LABOR RIGHTS.—Any labor rights, inclusion in the bargaining unit, and collective bargaining agreement that affects an employee of the Department of Veterans Affairs who is transferred to the Veterans Economic Opportunity and Transition Administration, as established under chapter 80 of title 38, United States Code, as

added by subsection (a), shall apply in the same manner to such employee after such transfer.

**SEC. 2. UNDER SECRETARY FOR VETERANS ECONOMIC OPPORTUNITY AND TRANSITION.**

(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:

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

“(a) UNDER SECRETARY.—There is in the Department an Under Secretary for Veterans Economic Opportunity and Transition, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary for Veterans Economic Opportunity and Transition shall be appointed without regard to political affiliation or activity and solely on the basis of demonstrated ability in—

“(1) information technology; and

“(2) the administration of programs within the Veterans Economic Opportunity and Transition Administration or programs of similar content and scope.

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

“(c) VACANCIES.—(1) Whenever a vacancy in the position of Under Secretary for Veterans Economic Opportunity and Transition occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

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

“(A) Three persons representing education and training, vocational rehabilitation, employment, real estate, mortgage finance and related industries, and survivor benefits activities affected by the Veterans Economic Opportunity and Transition Administration.

“(B) Two persons representing veterans served by the Veterans Economic Opportunity and Transition Administration.

“(C) Two persons who have experience in the management of private sector benefits programs of similar content and scope to the economic opportunity and transition programs of the Department.

“(D) The Deputy Secretary of Veterans Affairs.

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

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

“(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Veterans Economic Opportunity and Transition. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President and the Committees on Veterans’ Affairs of the Senate and House of Representatives with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

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

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 306 the following new item:

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

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

(1) in section 306(c)(2), by striking subparagraphs (A) and (E) and redesignating subparagraphs (B), (C), (D), and (F), as subparagraphs (A) through (D), respectively;

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

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

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

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

(6) in section 542(a)(2)(B)(iii), by striking “Health and the Under Secretary for Benefits” and inserting “Health, the Under Secretary for Benefits, and the Under Secretary for Veterans Economic Opportunity and Transition”;

(7) in section 544(a)(2)(B)(vi), by striking “Health and the Under Secretary for Benefits” and inserting “Health, the Under Secretary for Benefits, and the Under Secretary for Veterans Economic Opportunity and Transition”;

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

(9) in section 7701(a), by inserting after “assistance” the following: “, other than assistance related to Economic Opportunity and Transition,”; and

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

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

### **SEC. 3. TRANSFER OF SERVICES.**

(a) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the progress toward establishing the Veterans Economic Opportunity and Transition Administration, as established under section 8001 of title 38, United States Code, as added by section 4, and the transition of the provision of services to veterans by such Administration.

(b) **CERTIFICATION.**—The Secretary of Veterans Affairs may not transfer the function of providing any services to veterans to the Veterans Economic Opportunity and Transition Administration, as established under section 8001 of title 38, United States Code, as added by section 4 until the Secretary submits to the Committees on Veterans Affairs of the Senate and House of Representatives certification that—

- (1) the transition of the provision of services to such Administration will not negatively affect the provision of such services to veterans;
- (2) such services are ready to be transferred.

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

- (1) no earlier than April 1, 2020; and
- (2) no later than September 1, 2020.

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

- (1) the reason why the certification was not made by such date; and
- (2) the estimated date when the certification will 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.

### **PURPOSE AND SUMMARY**

With the expansion of services and duties of the Department of Veterans Affairs (VA) regarding care for veterans, VA has struggled to track programs for education and employment for effectiveness, and Congress has struggled to determine the Department’s resource needs. H.R. 2045, as amended would create a new Administration within the Department to manage educational assistance, vocational rehabilitation and employment, education and career counseling programs, and broadly-defined shared transition assistance programs.

This new administration would allow educational and employment programs to report directly to a new Under Secretary and better articulate and advocate for the needs of servicemembers. Similar text to that of H.R. 2045, as amended passed the House as part of H.R. 5693 in the 115th Congress but was not considered by the Senate.

The legislation directs the newly created position of Under Secretary for Veterans Economic Opportunity and Transition to report to Congress on the number of individual claims received and decided, claim processing time, successful outcomes, number of employees, and information technology expenditures. Claims records would be provided for each separate issue requested of the Administration, and the number of times a veteran submits a claim.

H.R. 2045 sets a \$3,025,000,000 cap on authorized funding levels for the Veterans Benefits Administration, general operating expenses account. This cap is intended to match the appropriated funding amount provided by fiscal year 2020 appropriations for the Administration. Should appropriated amounts for fiscal year 2020 exceed the authorized levels in this legislation, the Committee recommends that the Administration provide justification to Congress for additional authorization of funding.

For VA employees transferred to the Veteran Economic Opportunity and Transition Administration, any labor rights, inclusion in the bargaining unit, and collective bargaining agreements would be maintained for those employees after such transfer. The labor rights agreement made for a transferred employee would be maintained for the original agreement timeline.

#### BACKGROUND AND NEED FOR LEGISLATION

##### *Section 1. Establishment of Veterans Economic Opportunity and Transition Administration*

The Veterans Benefits Administration's (VBA) structure has not significantly changed since the creation of the Department of Veterans Affairs in 1930. During the last eighty-nine years, the services needed by veterans has drastically changed. The Committee believes VA, with the support of Congress and veterans service organizations (VSO), would function more effectively for our nation's veterans with the creation of a fourth administration within the department.

Currently, title 38 U.S.C. establishes three separate administrations within VA. Chapter 73 of title 38 U.S.C. establishes the Veterans Health Administration (VHA), which is responsible for the administration of all health care related facilities and programs. Chapter 77 of title 38 U.S.C., establishes the Veterans Benefits Administration (VBA), which is responsible for the administration of all benefit programs, including compensation, pension, insurance, educational assistance and training programs, and loan guaranty programs. Chapter 24 of title 38 U.S.C. establishes the National Cemetery Administration (NCA), which is responsible for the administration of the more than 131 National Cemeteries and other burial-related facilities and programs.

VA's disability compensation program is a highly complex program designed to provide monthly payments for disabilities incurred or aggravated in military service. Ongoing conflicts around

the world and an aging veteran population have caused a continued increase in the number of compensation claims received by VA. As of March 2019, there were 369,709 disability compensation and pension claims at VA. 74,208 (20%) of those claims were pending more than 125 days. The claims backlog continues to draw considerable criticism from the veterans' community, Congress, and the press. Understandably, senior VBA leaders spend considerable time and resources focused on decreasing the inventory of disability compensation claims at the expense of time and focus needed for other benefit programs.

Over time, this has led to less leadership attention to the non-compensation programs administered by VBA. For example, VBA's Fiscal Year 2020 (FY 2020) budget request includes funds to support 21,636 direct full time equivalent (FTE) employees for VBA. Of this number, 15,851 direct labor FTE were requested to administer disability compensation, pension, burial, and dependency indemnity compensation, which only leaves 5,785 employees available to work on other benefits. The Committee believes the focus on disability compensation and pension results in a lack of attention on lengthy waits for benefits from the education, vocational rehabilitation, and loan guaranty programs, undermining the potential for veterans to improve their lives through programs that increase economic opportunities.

Therefore, to ensure more effective oversight of those programs, the Committee believes that separating the compensation and pension programs from programs which lead to increased employability and economic success would be appropriate. Section 1 of the bill would create Chapter 80 in title 38 U.S.C. to establish the Veterans Economic Opportunity and Transition Administration (VEOTA), which would manage the G.I. Bill, Home Loan Guaranty, Vocational Rehabilitation and Employment (VR&E) programs, and VA's portion of the Transition Assistance Program that helps servicemembers transition to civilian life.

Additionally, Section 8127 of title 38 U.S.C. established a program to assist VA in meeting the statutory goals for procurement of goods and services from service disabled veteran-owned small businesses. Because small business ownership can be a significant contributor to economic success and due to VA's continued difficulty in administering the service disabled veteran-owned small business program, section 1 of the bill would place the program authorized by Section 8127 under the auspices of VEOTA.

Finally, section 1 of the bill would also require that VA include data on claims received, claims decided, processing times for claims administered by VEOTA, and long-term outcomes of participants in VEOTA's programs in the annual benefits report. The Committee believes this reporting requirement would be critical to analyze and track the performance of VEOTA's programs and benefits especially how these programs lead to positive economic outcomes for veterans.

### *Section 2. Under Secretary for Veterans Economic Opportunity and Transition*

Section 2 of the bill would amend title 38 U.S.C. by adding a new section 306A to create the position of Under Secretary for Veterans Economic Opportunity and Transition to oversee all VEOTA pro-

grams and operations. This section would complement section 1 of the bill by creating an Under Secretary position to put the new VEOTA on par with other administrations within VA.

Under this section, the new Under Secretary would be appointed by the President with the advice and consent of the Senate. The section would also require that the Under Secretary have demonstrated ability in the use of information technology (IT) and administration of programs like those in the new VEOTA. The section would also require the VA Secretary to convene a commission when the position is vacant to recommend individuals to the President for appointment. The commission would consist of individuals who represent a cross section of the programs administered by the VEOTA. Although the President would not be bound to appoint any individuals recommended by the commission, the Committee would expect serious consideration of the commission's recommendations during the appointment process. Finally, the Committee would also expect the commission to recommend individuals who have private sector experience in running programs like those under VEOTA.

The Committee and veterans service organizations strongly believe the creation of a 4th Administration within the Department of Veterans Affairs is necessary. The Committee on Veterans' Affairs division of jurisdiction, which includes the Economic Opportunity Subcommittee, is viewed by veterans service organizations as a model for dividing duties and responsibilities within the Department.

The Transition Assistance Program (TAP) would also be well served by a VEOTA. Since the administration of TAP is shared among VA, Department of Labor, and the Department of Defense, an Undersecretary for VEOTA would be able to more effectively advocate for the needs of veterans in the other Departments.

#### HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearings and meetings were used to develop or consider H.R. 2045, as amended.

On April 9, 2019, the Subcommittee on Economic Opportunity conducted a legislative hearing on various bills introduced during the 116th Congress, including H.R. 2045.

The following witnesses testified:

Ms. Margarita Devlin, Principal Deputy Under Secretary for Benefits, Veterans Benefits Administration, U.S. Department of Veterans Affairs. Ms. Ashlynn Haycock, Deputy Policy Director, Education Support Services, Tragedy Assistance Program for Survivors (TAPS). Mr. Patrick Murray, Deputy Director, National Legislative Service, The Veterans of Foreign Wars. Mr. John Kamin, Credentialing and Education Policy Associate, National Veterans Employment and Education Division, The American Legion. Ms. Rebecca Burgess, Program Manager Citizenship Project, American Enterprise Institute.

Statements for the record were submitted by:

Disabled American Veterans.

## SUBCOMMITTEE CONSIDERATION

On May 1, 2019, the Subcommittee on Economic Opportunity met in an open markup session, a quorum being present, and reported favorably H.R. 2045, as amended to the Committee on Veterans' Affairs by voice vote.

During the May 1, 2019 consideration, the Subcommittee considered H.R. 2045 as an amendment in the nature of a substitute to change the cap of from full time employees within the Veterans Economic Opportunity and Transition Administration to cap of spending levels for the Administration. No other amendments were offered.

## COMMITTEE CONSIDERATION

On May 8, 2019, the Committee on Veterans' Affairs met in an open markup session, a quorum being present, and reported favorably H.R. 2045, as amended to the House of Representatives by voice vote.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report the legislation and amendments thereto. There were no recorded votes taken on amendments or in connection with reporting H.R. 2045, as amended to the House. A motion by Ranking Member Phil Roe of Tennessee to report H.R. 2045, as amended favorably to the House of Representatives was agreed to by voice vote.

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are to improve the effectiveness of economic benefits administered by the VA by creating a new Economic Opportunity Administration to manage the G.I. Bill, Home Loan Guaranty, Vocational Rehabilitation and Employment (VR&E) programs, and VA's portion of the Transition Assistance Program.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 2045, as amended does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

## COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 2045, as amended prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

## FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 2045, as amended prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 2045, as amended.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 2045, as amended is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 2045, as amended does not relate to the terms and conditions of employment or access to public services or accommodations within the legislative branch.

## STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2045, as amended establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Gov-

ernment Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee estimates that H.R. 2045, as amended contains no directed rule making that would require the Secretary to prescribe regulations.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Sec 1:* Establishes a 4th Administration within the Department of Veterans Affairs named the “Veterans Economic Opportunity and Transition Administration. Sets functions of the administration, reporting standards and organizational structure. Includes protections for all existing collective bargaining agreements.

*Sec 2:* Establishes position of Undersecretary for Veterans Economic Opportunity and Transition and sets responsibilities. Also establishes a commission to make recommendations for three individuals for the position.

*Sec 3:* Sets reporting standards to submit to Congress on progress of establishing the 4th Administration and sets deadlines.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**TITLE 38, UNITED STATES CODE**

\* \* \* \* \*

**PART I—GENERAL PROVISIONS**

\* \* \* \* \*

**CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS**

Sec.  
 301. Department.  
 \* \* \* \* \*  
 306. Under Secretary for Benefits.  
 306A. *Under Secretary for Veterans Economic Opportunity and Transition.*  
 \* \* \* \* \*

**§ 306. Under Secretary for Benefits**

(a) There is in the Department an Under Secretary for Benefits, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary for Benefits shall be appointed without regard to political affiliation or activity and solely on the basis of demonstrated ability in—

- (1) fiscal management; and
- (2) the administration of programs within the Veterans Benefits Administration or programs of similar content and scope.

(b) The Under Secretary for Benefits is the head of, and is directly responsible to the Secretary for the operations of, the Veterans Benefits Administration.

(c)(1) Whenever a vacancy in the position of Under Secretary for Benefits occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

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

【(A) Three persons representing education and training, real estate, mortgage finance, and related industries, and survivor benefits activities affected by the Veterans Benefits Administration.】

【(B)】 (A) Two persons representing veterans served by the Veterans Benefits Administration.

【(C)】 (B) Two persons who have experience in the management of veterans benefits programs or programs of similar content and scope.

【(D)】 (C) The Deputy Secretary of Veterans Affairs.

【(E) The chairman of the Veterans' Advisory Committee on Education formed under section 3692 of this title.】

【(F)】 (D) One person who has held the position of Under Secretary for Benefits (including service as Chief Benefits Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the commission.

(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Benefits. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

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

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

(a) *UNDER SECRETARY.*—There is in the Department an Under Secretary for Veterans Economic Opportunity and Transition, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary for Veterans Economic Opportunity and Transition shall be appointed without regard to political

affiliation or activity and solely on the basis of demonstrated ability in—

(1) information technology; and

(2) the administration of programs within the Veterans Economic Opportunity and Transition Administration or programs of similar content and scope.

(b) *RESPONSIBILITIES.*—The Under Secretary for Veterans Economic Opportunity and Transition is the head of, and is directly responsible to the Secretary for the operations of, the Veterans Economic Opportunity and Transition Administration.

(c) *VACANCIES.*—(1) Whenever a vacancy in the position of Under Secretary for Veterans Economic Opportunity and Transition occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

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

(A) Three persons representing education and training, vocational rehabilitation, employment, real estate, mortgage finance and related industries, and survivor benefits activities affected by the Veterans Economic Opportunity and Transition Administration.

(B) Two persons representing veterans served by the Veterans Economic Opportunity and Transition Administration.

(C) Two persons who have experience in the management of private sector benefits programs of similar content and scope to the economic opportunity and transition programs of the Department.

(D) The Deputy Secretary of Veterans Affairs.

(E) The chairman of the Veterans' Advisory Committee on Education formed under section 3692 of this title.

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

(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Under Secretary for Veterans Economic Opportunity and Transition. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President and the Committees on Veterans' Affairs of the Senate and House of Representatives with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

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

\* \* \* \* \*

### **§ 317. Center for Minority Veterans**

(a) There is in the Department a Center for Minority Veterans. There is at the head of the Center a Director.

(b) The Director shall be a career or noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

(d) The Director shall perform the following functions with respect to veterans who are minorities:

(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minorities.

(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, *the Under Secretary for Veterans Economic Opportunity and Transition*, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minorities are eligible.

(3) Promote the use of benefits authorized by this title by veterans who are minorities and the conduct of outreach activities to veterans who are minorities, in conjunction with outreach activities carried out under chapter 77 of this title.

(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minorities.

(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minorities and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

(6) Analyze and evaluate complaints made by or on behalf of veterans who are minorities about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minorities.

(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minorities.

(9) Publicize the results of medical research which are of particular significance to veterans who are minorities.

(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a-2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.

(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

(1) detailed information on the budget for the Center;

(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

(g) In this section—

(1) The term "veterans who are minorities" means veterans who are minority group members.

(2) The term "minority group member" has the meaning given such term in section 544(d) of this title.

### **§ 318. Center for Women Veterans**

(a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.

(b) The Director shall be a career or noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

(d) The Director shall perform the following functions with respect to veterans who are women:

(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, *the Under Secretary for Veterans Economic Opportunity and Transition*, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the

needs of those veterans, without regard to any law concerning the collection of information from the public.

(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

(9) Publicize the results of medical research which are of particular significance to veterans who are women.

(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a-2) with respect to the inclusion of women in clinical research and on particular health conditions affecting women's health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

- (1) detailed information on the budget for the Center;
- (2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and
- (3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

\* \* \* \* \*

**CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY**

\* \* \* \* \*

**SUBCHAPTER I—GENERAL AUTHORITIES**

\* \* \* \* \*

**§ 516. Equal employment responsibilities**

(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

(b) The Secretary shall provide—

(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

(d) The Secretary shall, when appropriate, impose disciplinary measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

(e)(1)(A) Not later than 45 days after the end of each calendar quarter, the Assistant Secretary for Human Resources and Administration shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report summarizing the employment discrimination complaints filed against the individuals referred to in paragraph (2) during such quarter.

(B) Subparagraph (A) shall apply in the case of complaints filed against individuals on the basis of such individuals' personal conduct and shall not apply in the case of complaints filed solely on the basis of such individuals' positions as officials of the Department.

(2) Paragraph (1) applies to the following officers and employees of the Department:

(A) The Secretary.

(B) The Deputy Secretary of Veterans Affairs.

(C) The Under Secretary for **Health** and the Under Secretary for Benefits *Health, the Under Secretary for Benefits, and the Under Secretary for Veterans Economic Opportunity and Transition.*

(D) Each Assistant Secretary of Veterans Affairs and each Deputy Assistant Secretary of Veterans Affairs.

(E) The Under Secretary of Veterans Affairs for Memorial Affairs.

(F) The General Counsel of the Department.

(G) The Chairman of the Board of Veterans' Appeals.

(H) The Chairman of the Board of Contract Appeals of the Department.

(I) The director and the chief of staff of each medical center of the Department.

(J) The director of each Veterans Integrated Services Network.

(K) The director of each regional office of the Department.

(L) Each program director of the Central Office of the Department.

(3) Each report under this subsection—

(A) may not disclose information which identifies the individuals filing, or the individuals who are the subject of, the complaints concerned or the facilities at which the discrimination identified in such complaints is alleged to have occurred;

(B) shall summarize such complaints by type and by equal employment opportunity field office area in which filed; and

(C) shall include copies of such complaints, with the information described in subparagraph (A) redacted.

(4) Not later than April 1 each year, the Assistant Secretary shall submit to the committees referred to in paragraph (1)(A) a report on the complaints covered by paragraph (1) during the preceding year, including the number of such complaints filed during that year and the status and resolution of the investigation of such complaints.

(f) The Secretary shall ensure that an employee of the Department who seeks counseling relating to employment discrimination may elect to receive such counseling from an employee of the Department who carries out equal employment opportunity counseling functions on a full-time basis rather than from an employee of the Department who carries out such functions on a part-time basis.

(g) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

(h) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.

\* \* \* \* \*

SUBCHAPTER III—ADVISORY COMMITTEES

**§ 541. Advisory Committee on Former Prisoners of War**

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the “Committee”).

(2)(A) The members of the Committee shall be appointed by the Secretary from the general public and shall include—

(i) appropriate representatives of veterans who are former prisoners of war;

(ii) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war,

including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

(iii) appropriate representatives of disabled veterans.

(B) The Committee shall also include, as ex officio members, the Under Secretary for **Health and the Under Secretary for Benefits** *Health, the Under Secretary for Benefits, and the Under Secretary for Veterans Economic Opportunity and Transition*, or their designees.

(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that the term of service of any such member may not exceed three years.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

(c)(1) Not later than July 1 of each odd-numbered year through 2009, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are former prisoners of war. Each such report shall include—

(A) an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation;

(B) a review of the programs and activities of the Department designed to meet such needs; and

(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers to be appropriate.

(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted to the Congress pursuant to that section.

#### **§ 542. Advisory Committee on Women Veterans**

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as “the Committee”).

(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

(i) representatives of women veterans;

(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women;

(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability; and

(iv) women veterans who are recently separated from service in the Armed Forces.

(B) The Committee shall include, as ex officio members—

(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense after consultation with the Defense Advisory Committee on Women in the Services); and

(iii) the Under Secretary for **Health and the Under Secretary for Benefits** *Health, the Under Secretary for Benefits, and the Under Secretary for Veterans Economic Opportunity and Transition*, or their designees.

(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for women veterans, reports and studies pertaining to women veterans and the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department, including the Center for Women Veterans.

(c)(1) Not later than July 1 of each even-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to women veterans. Each such report shall include—

(A) an assessment of the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

(B) a review of the programs and activities of the Department designed to meet such needs; and

(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee sub-

mitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

\* \* \* \* \*

**§ 544. Advisory Committee on Minority Veterans**

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as “the Committee”).

(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

(i) representatives of veterans who are minority group members;

(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

(iii) veterans who are minority group members and who have experience in a military theater of operations;

(iv) veterans who are minority group members and who do not have such experience; and

(v) women veterans who are minority group members and are recently separated from service in the Armed Forces.

(B) The Committee shall include, as ex officio members, the following:

(i) The Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans’ Employment).

(ii) The Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense).

(iii) The Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior).

(iv) The Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce).

(v) The Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services).

(vi) The Under Secretary for **Health and the Under Secretary for Benefits** *Health, the Under Secretary for Benefits, and the Under Secretary for Veterans Economic Opportunity and Transition*, or their designees.

(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of

benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department, including the Center for Minority Veterans.

(c)(1) Not later than July 1 of every other year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include—

(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

(B) a review of the programs and activities of the Department designed to meet such needs; and

(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

(d) In this section, the term “minority group member” means an individual who is—

(1) Asian American;

(2) Black;

(3) Hispanic;

(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

(5) Pacific-Islander American.

(e) The Committee shall cease to exist September 30, 2022.

\* \* \* \* \*

## CHAPTER 7—EMPLOYEES

\* \* \* \* \*

### SUBCHAPTER I—GENERAL EMPLOYEE MATTERS

\* \* \* \* \*

#### § 709. Employment restrictions

(a)(1) Notwithstanding section 3134(d) of title 5, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not at any time exceed 5 percent of the average number of senior executives

employed in Senior Executive Service positions in the Department during the preceding fiscal year.

(2) For purposes of this subsection, the average number of senior executives employed in Senior Executive Service positions in the Department during a fiscal year shall be equal to 25 percent of the sum of the total number of senior executives employed in Senior Executive Service positions in the Department on the last day of each quarter of such fiscal year.

(b) The number of positions in the Department which may be excepted from the competitive service, on a temporary or permanent basis, because of their confidential or policy-determining character may not at any time exceed the equivalent of 15 positions.

(c)(1) Political affiliation or activity may not be taken into account in connection with the appointment of any person to any position in or to perform any service for the Department or in the assignment or advancement of any employee in the Department.

(2) Paragraph (1) shall not apply—

(A) to the appointment of any person by the President under this title, other than the appointment of the Under Secretary for Health, the Under Secretary for Benefits, *the Under Secretary for Veterans Economic Opportunity and Transition*, and the Inspector General; or

(B) to the appointment of any person to (i) a Senior Executive Service position as a noncareer appointee, or (ii) a position that is excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of the position.

\* \* \* \* \*

**PART V—BOARDS, ADMINISTRATIONS, AND SERVICES**

Chap		Sec.
71.	<b>Board of Veterans' Appeals</b> .....	<b>7101</b>
	* * * * *	
80.	<b><i>Veterans Economic Opportunity and Transition Administration</i></b>	<b>8001</b>
	* * * * *	

**CHAPTER 77—VETERANS BENEFITS ADMINISTRATION**

\* \* \* \* \*

**SUBCHAPTER I—ORGANIZATION; GENERAL**

**§ 7701. Organization of the Administration**

(a) There is in the Department of Veterans Affairs a Veterans Benefits Administration. The primary function of the Veterans Benefits Administration is the administration of nonmedical benefits programs of the Department which provide assistance, *other than assistance related to Economic Opportunity and Transition*, to veterans and their dependents and survivors.

(b) The Veterans Benefits Administration is under the Under Secretary for Benefits, who is directly responsible to the Secretary

for the operations of the Administration. The Under Secretary for Benefits may be referred to as the Chief Benefits Director.

**§ 7703. Functions of the Administration**

The Veterans Benefits Administration is responsible for the administration of the following programs of the Department:

(1) Compensation and pension programs.

[(2) Vocational rehabilitation and educational assistance programs.

[(3) Veterans' housing loan programs.]

[(4)] (2) Veterans' and servicemembers' life insurance programs.

[(5)] (3) Outreach programs and other veterans' services programs.

\* \* \* \* \*

**CHAPTER 80—VETERANS ECONOMIC OPPORTUNITY AND TRANSITION ADMINISTRATION**

Sec.

8001. Organization of Administration.

8002. Functions of Administration.

8003. Annual report to Congress.

**§ 8001. Organization of Administration**

(a) *VETERANS ECONOMIC OPPORTUNITY AND TRANSITION ADMINISTRATION.*—*There is in the Department of Veterans Affairs a Veterans Economic Opportunity and Transition Administration. The primary function of the Veterans Economic Opportunity and Transition Administration is the administration of the programs of the Department that provide assistance related to economic opportunity to veterans and their dependents and survivors.*

(b) *UNDER SECRETARY FOR ECONOMIC OPPORTUNITY AND TRANSITION.*—*The Veterans Economic Opportunity and Transition Administration is under the Under Secretary for Veterans Economic Opportunity and Transition, who is directly responsible to the Secretary for the operations of the Administration.*

**§ 8002. Functions of Administration**

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

(1) *Vocational rehabilitation and employment programs.*

(2) *Educational assistance programs.*

(3) *Veterans' housing loan and related programs.*

(4) *The verification of small businesses owned and controlled by veterans pursuant to subsection (f) of section 8127 of this title, including the administration of the database of veteran-owned businesses described in such subsection.*

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

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

**§ 8003. Annual report to Congress**

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

- (1) The number of claims received.*
- (2) The number of claims decided.*
- (3) The average processing time for a claim.*
- (4) The number of successful outcomes (as determined by the Secretary).*
- (5) The number of full-time equivalent employees.*
- (6) The amounts expended for information technology.*

\* \* \* \* \*

