

Union Calendar No. 671

115TH CONGRESS
2^D SESSION

H. R. 5693

[Report No. 115–868]

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2018

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on Veterans' Affairs

JULY 24, 2018

Additional sponsors: Mrs. RADEWAGEN, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. CORREA, and Ms. BROWNLEY of California

JULY 24, 2018

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 7, 2018]

A BILL

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.

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 following*
11 *new subsection:*

12 *“(h)(1) During the three-year period beginning on Oc-*
13 *tober 1, 2019, and subject to paragraph (2), at the request*
14 *of a veteran for whom the Secretary is required to provide*
15 *nursing home care under section 1710A of this title, the Sec-*
16 *retary may place the veteran in a medical foster home that*
17 *meets Department standards, at the expense of the United*
18 *States, pursuant to a contract, agreement, or other arrange-*
19 *ment entered into between the Secretary and the medical*
20 *foster home for such purpose. A veteran who is placed in*
21 *a medical foster home under this subsection shall agree, as*
22 *a condition of such placement, to accept home health serv-*
23 *ices furnished by the Secretary under section 1717 of this*
24 *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 sub-*
 4 *section, may have their care covered at the expense of the*
 5 *United States under subsection (a).*

6 “(3) *In this subsection, the term ‘medical foster home’*
 7 *means a home designed to provide non-institutional, long-*
 8 *term, supportive care for veterans who are unable to live*
 9 *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 TRANSI-***
 16 ***TION ADMINISTRATION.***—

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

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

“Sec.

“8001. *Organization of Administration.*

“8002. *Functions of Administration.*

“8003. *Annual report to Congress.*

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

2 “(a) *VETERANS ECONOMIC OPPORTUNITY AND TRANSITION ADMINISTRATION.*—*There is in the Department of*
3 *Veterans Affairs a Veterans Economic Opportunity and*
4 *Transition Administration. The primary function of the*
5 *Veterans Economic Opportunity and Transition Adminis-*
6 *tration is the administration of the programs of the Depart-*
7 *ment that provide assistance related to economic oppor-*
8 *tunity to veterans and their dependents and survivors.*

10 “(b) *UNDER SECRETARY FOR ECONOMIC OPPOR-*
11 *TUNITY AND TRANSITION.*—*The Veterans Economic Oppor-*
12 *tunity and Transition Administration is under the Under*
13 *Secretary for Veterans Economic Opportunity and Transi-*
14 *tion, who is directly responsible to the Secretary for the op-*
15 *erations of the Administration.*

16 **“§ 8002. Functions of Administration**

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

20 “(1) *Vocational rehabilitation and employment*
21 *programs.*

22 “(2) *Educational assistance programs.*

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

25 “(4) *The verification of small businesses owned*
26 *and controlled by veterans pursuant to subsection (f)*

1 of section 8127 of this title, including the administra-
 2 tion of the database of veteran-owned businesses de-
 3 scribed in such subsection.

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

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

8 **“§ 8003. Annual report to Congress**

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

15 “(1) *The number of claims received.*

16 “(2) *The number of claims decided.*

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

18 “(4) *The number of successful outcomes (as deter-*
 19 *mined by the Secretary).*

20 “(5) *The number of full-time equivalent employ-*
 21 *ees.*

22 “(6) *The amounts expended for information tech-*
 23 *nology.”.*

24 (2) *CLERICAL AMENDMENTS.—The tables of*
 25 *chapters at the beginning of title 38, United States*

1 Code, and of part V of title 38, United States Code,
 2 are each amended by inserting after the item relating
 3 to chapter 79 the following new item:

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

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

7 (c) *FULL-TIME EMPLOYEES*.—For fiscal years 2019
 8 and 2020, the total number of full-time equivalent employ-
 9 ees authorized for the Veterans Benefits Administration and
 10 the Veterans Economic Opportunity and Transition Ad-
 11 ministration, as established under chapter 80 of title 38,
 12 United States Code, as added by subsection (a), may not
 13 exceed 23,692.

14 **SEC. 4. UNDER SECRETARY FOR VETERANS ECONOMIC OP-
 15 PORTUNITY AND TRANSITION.**

16 (a) *UNDER SECRETARY*.—

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

20 **“§ 306A. Under Secretary for Veterans Economic Op-
 21 portunity and Transition**

22 “(a) *UNDER SECRETARY*.—There is in the Department
 23 an Under Secretary for Veterans Economic Opportunity
 24 and Transition, who is appointed by the President, by and

1 *with the advice and consent of the Senate. The Under Sec-*
2 *retary for Veterans Economic Opportunity and Transition*
3 *shall be appointed without regard to political affiliation or*
4 *activity and solely on the basis of demonstrated ability in—*

5 “(1) *information technology; and*

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

10 “(b) *RESPONSIBILITIES.—The Under Secretary for*
11 *Veterans Economic Opportunity and Transition is the head*
12 *of, and is directly responsible to the Secretary for the oper-*
13 *ations of, the Veterans Economic Opportunity and Transi-*
14 *tion Administration.*

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

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

23 “(A) *Three persons representing education and*
24 *training, vocational rehabilitation, employment, real*
25 *estate, mortgage finance and related industries, and*

1 *survivor benefits activities affected by the Veterans*
2 *Economic Opportunity and Transition Administra-*
3 *tion.*

4 *“(B) Two persons representing veterans served*
5 *by the Veterans Economic Opportunity and Transi-*
6 *tion Administration.*

7 *“(C) Two persons who have experience in the*
8 *management of private sector benefits programs of*
9 *similar content and scope to the economic oppor-*
10 *tunity and transition programs of the Department.*

11 *“(D) The Deputy Secretary of Veterans Affairs.*

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

15 *“(F) One person who has held the position of*
16 *Under Secretary for Veterans Economic Opportunity*
17 *and Transition, if the Secretary determines that it is*
18 *desirable for such person to be a member of the com-*
19 *mission.*

20 *“(3) A commission established under this subsection*
21 *shall recommend at least three individuals for appointment*
22 *to the position of Under Secretary for Veterans Economic*
23 *Opportunity and Transition. The commission shall submit*
24 *all recommendations to the Secretary. The Secretary shall*
25 *forward the recommendations to the President and the Com-*

1 *mittees on Veterans' Affairs of the Senate and House of*
 2 *Representatives with any comments the Secretary considers*
 3 *appropriate. Thereafter, the President may request the com-*
 4 *mission to recommend additional individuals for appoint-*
 5 *ment.*

6 “(4) *The Assistant Secretary or Deputy Assistant Sec-*
 7 *retary of Veterans Affairs who performs personnel manage-*
 8 *ment and labor relations functions shall serve as the execu-*
 9 *tive secretary of a commission established under this sub-*
 10 *section.*”.

11 (2) *CLERICAL AMENDMENT.—The table of sec-*
 12 *tions at the beginning of such chapter is amended by*
 13 *inserting after the item relating to section 306 the fol-*
 14 *lowing new item:*

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

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

17 (1) *in section 306(c)(2), by striking subpara-*
 18 *graphs (A) and (E) and redesignating subparagraphs*
 19 *(B), (C), (D), and (F), as subparagraphs (A) through*
 20 *(D), respectively;*

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

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

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

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

15 (6) in section 542(a)(2)(B)(iii), by striking
16 “Health and the Under Secretary for Benefits” and
17 inserting “Health, the Under Secretary for Benefits,
18 and the Under Secretary for Veterans Economic Op-
19 portunity and Transition”;

20 (7) in section 544(a)(2)(B)(vi), by striking
21 “Health and the Under Secretary for Benefits” and
22 inserting “Health, the Under Secretary for Benefits,
23 and the Under Secretary for Veterans Economic Op-
24 portunity and Transition”;

(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, 2019.

17 *The table in section 3729(b)(2) of such title is amended*
18 *by striking the item relating to subparagraph (E) and in-*
19 *serting the following new item:*

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Amend the title so as to read: “A bill 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.”.

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