

118TH CONGRESS  
1ST SESSION

# H. R. 3738

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Mr. WENSTRUP (for himself and Mr. LEVIN) introduced the following bill;  
which was referred to the Committee on Veterans' Affairs

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## 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, 2024.

18 (c) FULL-TIME EMPLOYEES.—For fiscal years 2024  
19 and 2025, the total number of full-time equivalent employ-  
20 ees authorized for the Veterans Benefits Administration  
21 and the Veterans Economic Opportunity and Transition  
22 Administration, as established under chapter 80 of title  
23 38, United States Code, as added by subsection (a), may  
24 not exceed—

1 (1) 34,228 in fiscal year 2024; and

2 (2) 35,417 in fiscal year 2025.

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

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

13 (a) UNDER SECRETARY.—

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

17 **“§ 306A. Under Secretary for Veterans Economic Op-**  
18 **portunity and Transition**

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

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

3 “(1) information technology; and

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

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

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

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

21 “(A) Three persons representing education and  
22 training, vocational rehabilitation, employment, real  
23 estate, mortgage finance and related industries, and  
24 survivor benefits activities affected by the Veterans

1 Economic Opportunity and Transition Administra-  
2 tion.

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

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

10 “(D) The Deputy Secretary of Veterans Affairs.

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

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

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

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

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

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

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

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

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

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

24 (3) in section 318(d)(2), by inserting after  
25 “Under Secretary for Benefits,” the following: “the



1 Under Secretary for Veterans Economic Opportunity  
2 and Transition,”;

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

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

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

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

23 (8) in section 709(c)(2)(A), by inserting after  
24 “Under Secretary for Benefits,” the following: “the

1 Under Secretary for Veterans Economic Opportunity  
2 and Transition,”;

3 (9) in section 7701(a), by inserting after “as-  
4 sistance” the following: “, other than assistance re-  
5 lated to Economic Opportunity and Transition,”;  
6 and

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

10 (c) EFFECTIVE DATE.—Section 306A of title 38,  
11 United States Code, as added by subsection (a), and the  
12 amendments made by this section, shall take effect on Oc-  
13 tober 1, 2024.

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

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

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

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

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

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

17           (1) no earlier than April 1, 2024; and

18           (2) no later than September 1, 2024.

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

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

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

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