

Suspend the Rules and Pass the Bill, HR. 3738, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

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.

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

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. SHORT TITLE.

4 This Act may be cited as the “Veterans Economic
5 Opportunity and Transition Administration Act”.

1 **SEC. 2. ESTABLISHMENT OF VETERANS ECONOMIC OPPOR-**

2 **TUNITY AND TRANSITION ADMINISTRATION.**

3 **(a) VETERANS ECONOMIC OPPORTUNITY AND TRAN-**

4 **SITION ADMINISTRATION.—**

5 **(1) IN GENERAL.—**Part V of title 38, United

6 States Code, is amended by adding at the end the

7 following new chapter:

8 **“CHAPTER 80—VETERANS ECONOMIC OP-**

9 **PORUNITY AND TRANSITION ADMIN-**

10 **ISTRATION**

“Sec.

“8001. Organization of Administration.

“8002. Functions of Administration.

“8003. Annual report to Congress.

11 **“§ 8001. Organization of Administration**

12 **“(a) VETERANS ECONOMIC OPPORTUNITY AND**

13 **TRANSITION ADMINISTRATION.—**There is in the Depart-

14 ment of Veterans Affairs a Veterans Economic Oppor-

15 tunity and Transition Administration. The primary func-

16 tion of the Veterans Economic Opportunity and Transi-

17 tion Administration is the administration of the programs

18 of the Department that provide assistance related to eco-

19 nomic opportunity to veterans and their dependents and

20 survivors.

21 **“(b) UNDER SECRETARY FOR ECONOMIC OPPOR-**

22 **TUNITY AND TRANSITION.—**The Veterans Economic Op-

23 portunity and Transition Administration is under the

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

4 **“§ 8002. Functions of Administration**

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

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

10 “(2) Educational assistance programs.

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

13 “(4) The Transition Assistance Program under
14 section 1144 of title 10.

15 “(5) Any other program of the Department
16 that the Secretary determines appropriate.

17 **“§ 8003. Annual report to Congress**

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

25 “(1) The number of claims received.

- 1 “(2) The number of claims decided.
- 2 “(3) The average processing time for a claim.
- 3 “(4) The number of successful outcomes (as de-
4 termined by the Secretary).
- 5 “(5) The number of full-time equivalent em-
6 ployees.
- 7 “(6) The amounts expended for information
8 technology.”.

9 (2) CLERICAL AMENDMENTS.—The tables of
10 chapters at the beginning of title 38, United States
11 Code, and of part V of title 38, United States Code,
12 are each amended by inserting after the item relat-
13 ing to chapter 79 the following new item:

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

14 (b) EFFECTIVE DATE.—Chapter 80 of title 38,
15 United States Code, as added by subsection (a), shall take
16 effect on October 1, 2024.

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

24 (1) 34,228 in fiscal year 2024; and

1 (2) 35,417 in fiscal year 2025.

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

10 SEC. 3. UNDER SECRETARY FOR VETERANS' ECONOMIC OP-

11 OPPORTUNITY AND TRANSITION.

12 (a) UNDER SECRETARY.—

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

16 “§306A. Under Secretary for Veterans Economic Op-

17 **Opportunity and Transition**

18 "(a) UNDER SECRETARY.—There is in the Depart-
19 ment an Under Secretary for Veterans Economic Oppor-
20 tunity and Transition, who is appointed by the President,
21 by and with the advice and consent of the Senate. The
22 Under Secretary for Veterans Economic Opportunity and
23 Transition shall be appointed without regard to political
24 affiliation or activity and solely on the basis of dem-
25 onstrated ability in—

1 “(1) information technology; and
2 “(2) the administration of programs within the
3 Veterans Economic Opportunity and Transition Ad-
4 ministration or programs of similar content and
5 scope.

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

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

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

19 “(A) Three persons representing education and
20 training, vocational rehabilitation, employment, real
21 estate, mortgage finance and related industries, and
22 survivor benefits activities affected by the Veterans
23 Economic Opportunity and Transition Administra-
24 tion.

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

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

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

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

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

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

1 may request the commission to recommend additional in-
2 dividuals for appointment.

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

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

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

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

14 (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;

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

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

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

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

1 (9) in section 7701(a), by inserting after “assistance” the following: “, other than assistance related to Economic Opportunity and Transition,”;
2
3 and
4

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

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

12 SEC. 4. TRANSFER OF SERVICES.

13 (a) REPORT TO CONGRESS.—Not later than 180 days
14 after the date of the enactment of this Act, the Secretary
15 of Veterans Affairs shall submit to the Committees on
16 Veterans' Affairs of the Senate and House of Representa-
17 tives a report on the progress toward establishing the Vet-
18 erans Economic Opportunity and Transition Administra-
19 tion, as established under section 8001 of title 38, United
20 States Code, as added by section 2, and the transition of
21 the provision of services to veterans by such Administra-
22 tion.

23 (b) CERTIFICATION.—The Secretary of Veterans Af-
24 fairs may not transfer the function of providing any serv-
25 ices to veterans to the Veterans Economic Opportunity

1 and Transition Administration, as established under sec-
2 tion 8001 of title 38, United States Code, as added by
3 section 2, until the Secretary submits to the Committees
4 on Veterans' Affairs of the Senate and House of Rep-
5 resentatives certification that—

6 (1) the transition of the provision of services to
7 such Administration will not negatively affect the
8 provision of such services to veterans; and
9 (2) such services are ready to be transferred.

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

14 (1) no earlier than April 1, 2024; and
15 (2) no later than September 1, 2024.

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

21 (1) the reason why the certification was not
22 made by such date; and
23 (2) the estimated date when the certification
24 will be made.

1 SEC. 5. MODIFICATION OF CERTAIN HOUSING LOAN FEES.

2 The loan fee table in section 3729(b)(2) of title 38,
3 United States Code, is amended by striking “November
4 15, 2031” each place it appears and inserting “December
5 27, 2031”.