

Union Calendar No. 201

118TH CONGRESS
1ST SESSION

H. R. 3581

[Report No. 118-251]

To amend title 38, United States Code, to modify the family caregiver program of the Department of Veterans Affairs to include services related to mental health and neurological disorders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2023

Mrs. KIGGANS of Virginia introduced the following bill; which was referred to the Committee on Veterans' Affairs

OCTOBER 25, 2023

Additional sponsors: Ms. HOULAHAN, Ms. MACE, Ms. PETTERSEN, Mr. MOULTON, and Mr. LAWLER

OCTOBER 25, 2023

Reported with an amendment, 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 22, 2023]

A BILL

To amend title 38, United States Code, to modify the family caregiver program of the Department of Veterans Affairs to include services related to mental health and neurological disorders, 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 “Caregiver Outreach and*
5 *Program Enhancement Act” or the “COPE Act”.*

6 **SEC. 2. AUTHORITY FOR SECRETARY OF VETERANS AF-**
7 **FAIRS TO AWARD GRANTS TO ENTITIES TO**
8 **IMPROVE PROVISION OF MENTAL HEALTH**
9 **SUPPORT TO FAMILY CAREGIVERS OF VET-**
10 **ERANS.**

11 *(a) IN GENERAL.—Subchapter II of chapter 17 of title*
12 *38, United States Code, is amended by adding at the end*
13 *the following new section:*

14 **“§ 1720K. Grants to provide mental health support to**
15 **family caregivers of veterans**

16 *“(a) AUTHORITY.—The Secretary may award grants*
17 *to carry out, coordinate, improve, or otherwise enhance*
18 *mental health counseling, treatment, or support to the fam-*
19 *ily caregivers of veterans participating in the family care-*
20 *giver program.*

21 *“(b) APPLICATION.—(1) To be eligible for a grant*
22 *under this section, an entity shall submit to the Secretary*
23 *an application therefor at such time, in such manner, and*
24 *containing such information as the Secretary may require.*

1 “(2) *Each application submitted under paragraph (1)*
2 *shall include the following:*

3 “(A) *A detailed plan for the use of the grant.*

4 “(B) *A description of the programs or efforts*
5 *through which the entity will meet the outcome meas-*
6 *ures developed by the Secretary under subsection (g).*

7 “(C) *A description of how the entity will dis-*
8 *tribute grant amounts equitably among areas with*
9 *varying levels of urbanization.*

10 “(D) *A plan for how the grant will be used to*
11 *meet the unique needs of veterans residing in rural*
12 *areas, American Indian or Alaska Native veterans, el-*
13 *derly veterans, women veterans, and veterans from*
14 *other underserved communities.*

15 “(c) *DISTRIBUTION.—The Secretary shall seek to en-*
16 *sure that grants awarded under this section are equitably*
17 *distributed among entities located in States with varying*
18 *levels of urbanization.*

19 “(d) *PRIORITY.—The Secretary shall prioritize award-*
20 *ing grants under this section that will serve the following*
21 *areas:*

22 “(1) *Areas with high rates of veterans enrolled in*
23 *the family caregiver program.*

24 “(2) *Areas with high rates of—*

25 “(A) *suicide among veterans; or*

1 “(B) referrals to the Veterans Crisis Line.

2 “(e) *REQUIRED ACTIVITIES.*—Any grant awarded
3 under this section shall be used—

4 “(1) to expand existing programs, activities, and
5 services;

6 “(2) to establish new or additional programs, ac-
7 tivities, and services; or

8 “(3) for travel and transportation to facilitate
9 carrying out paragraph (1) or (2).

10 “(f) *OUTCOME MEASURES.*—(1) The Secretary shall
11 develop and provide to each entity that receives a grant
12 under this section written guidance on the following:

13 “(A) Outcome measures.

14 “(B) Policies of the Department.

15 “(2) In developing outcome measures under paragraph
16 (1), the Secretary shall consider the following goals:

17 “(A) Increasing the utilization of mental health
18 services among family caregivers of veterans partici-
19 pating in the family caregiver program.

20 “(B) Reducing barriers to mental health services
21 among family caregivers of veterans participating in
22 such program.

23 “(g) *TRACKING REQUIREMENTS.*—(1) The Secretary
24 shall establish appropriate tracking requirements with re-
25 spect to the entities receiving a grant under this section.

1 “(2) *Not less frequently than annually, the Secretary*
2 *shall submit to Congress a report on such tracking require-*
3 *ments.*

4 “(h) *PERFORMANCE REVIEW.—The Secretary shall—*
5 “(1) *review the performance of each entity that*
6 *receives a grant under this section; and*

7 “(2) *make information regarding such perform-*
8 *ance publicly available.*

9 “(i) *REMEDIATION PLAN.—(1) In the case of an entity*
10 *that receives a grant under this section and does not meet*
11 *the outcome measures developed by the Secretary under sub-*
12 *section (g), the Secretary shall require the entity to submit*
13 *to the Secretary a remediation plan under which the entity*
14 *shall describe how and when it plans to meet such outcome*
15 *measures.*

16 “(2) *The Secretary may not award a subsequent grant*
17 *under this section to an entity described in paragraph (1)*
18 *unless the Secretary approves the remediation plan sub-*
19 *mitted by the entity under such paragraph.*

20 “(j) *MAXIMUM AMOUNT.—The amount of a grant*
21 *awarded under this section may not exceed 10 percent of*
22 *amounts made available for grants under this section for*
23 *the fiscal year in which the grant is awarded.*

24 “(k) *SUPPLEMENT, NOT SUPPLANT.—Any grant*
25 *awarded under this section shall be used to supplement and*

1 *not supplant funding that is otherwise available through*
2 *the Department to provide mental health support among*
3 *family caregivers of veterans participating in the family*
4 *caregiver program.*

5 “(l) *OUTREACH TO FAMILY CAREGIVERS.*—*The Sec-*
6 *retary shall include, in the outreach materials regularly*
7 *mailed to a family caregiver who participates in the family*
8 *caregiver program, notice of mental health support provided*
9 *by recipients of grants under this section that are located*
10 *in the relevant Veterans Integrated Service Network.*

11 “(m) *FUNDING.*—(1) *Amounts for the activities of the*
12 *Department under this section shall be budgeted and appro-*
13 *priated through a separate appropriation account.*

14 “(2) *In the budget justification materials submitted to*
15 *Congress in support of the budget of the Department for*
16 *any fiscal year (as submitted with the budget of the Presi-*
17 *dent under section 1105(a) of title 31), the Secretary shall*
18 *include a separate statement of the amount requested to be*
19 *appropriated for that fiscal year for the account specified*
20 *in paragraph (1).*

21 “(n) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
22 *authorized to be appropriated to the Secretary, for each of*
23 *fiscal years 2024 through 2026, \$50,000,000 to carry out*
24 *this section.*

25 “(o) *DEFINITIONS.*—*In this section:*

1 *of the House of Representatives and the Senate a report that*
2 *includes an assessment of—*

3 *(1) the extent to which each medical facility (as*
4 *such term is defined in section 8101(3) of title 38,*
5 *United States Code) is at risk of flooding, including*
6 *the risk of flooding associated with rising sea levels;*
7 *and*

8 *(2) whether additional resources are necessary to*
9 *address the risk of flooding at each such facility.*

10 *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
11 *authorized to be appropriated for the Department of Vet-*
12 *erans Affairs for each of fiscals year 2024 through 2028*
13 *\$25,000,000 to carry out the amendment made by sub-*
14 *section (a).*

15 **SEC. 4. GAO REPORT ON MENTAL HEALTH SUPPORT FOR**
16 **CAREGIVERS.**

17 *(a) REPORT REQUIRED.—Not later than one year*
18 *after the date of the enactment of this Act, the Comptroller*
19 *General of the United States shall submit to the Committee*
20 *on Veterans' Affairs of the Senate and the Committee on*
21 *Veterans' Affairs of the House of Representatives a report*
22 *on the provision of mental health support to caregivers of*
23 *veterans.*

24 *(b) CONTENTS.—The report submitted under sub-*
25 *section (a) shall include the following:*

1 (1) *An assessment of the need for mental health*
2 *support among caregivers participating in the care-*
3 *giver programs.*

4 (2) *An assessment of options for mental health*
5 *support in facilities of the Department of Veterans Af-*
6 *airs and in the community for caregivers partici-*
7 *parting in the caregiver programs.*

8 (3) *An assessment of the availability and accessi-*
9 *bility of mental health support in facilities of the De-*
10 *partment and in the community for caregivers par-*
11 *ticipating in the caregiver programs.*

12 (4) *An assessment of the awareness among care-*
13 *givers of the availability of mental health support in*
14 *facilities of the Department and in the community for*
15 *caregivers participating in the caregiver programs.*

16 (5) *An assessment of barriers to mental health*
17 *support in facilities of the Department and in the*
18 *community for caregivers participating in the care-*
19 *giver programs.*

20 (c) *DEFINITIONS.—In this section:*

21 (1) *The term “caregiver” has the meaning given*
22 *that term in section 1720G of title 38, United States*
23 *Code.*

24 (2) *The term “caregiver programs” means—*

1 (A) the program of comprehensive assistance
2 for family caregivers under subsection (a) of sec-
3 tion 1720G of title 38, United States Code; and

4 (B) the program of support services for
5 caregivers under subsection (b) of such section.

6 **SEC. 5. ANNUAL REVIEW OF SECURITY AT COVERED FACILI-**
7 **TIES OF THE DEPARTMENT OF VETERANS AF-**
8 **FAIRS.**

9 (a) *ANNUAL SURVEY.*—Not later than one year after
10 the date of the enactment of this Act, and annually there-
11 after for each of the following five years, the Secretary of
12 Veterans Affairs, in coordination with the Director of the
13 Office of Security and Law Enforcement of the Department
14 of Veterans Affairs, shall conduct an annual survey of cov-
15 ered employees to collect information regarding security at
16 each covered facility. Each annual survey shall include
17 questions about—

18 (1) the type and frequency of criminal activity
19 experienced at the covered facility during the 12
20 months prior to the date the covered employee com-
21 pletes the survey;

22 (2) the number of vacant positions for Depart-
23 ment police officers at the covered facility and the
24 number of days each vacant position has been vacant;

1 (3) *the availability and adequacy of covered*
2 *equipment;*

3 (4) *the availability and adequacy of resources,*
4 *classes, or other time set aside for training Depart-*
5 *ment police officers who work at each covered facility*
6 *about any skill or tactic related to law enforcement,*
7 *including the proper use of force, firearms qualifica-*
8 *tions and training, procedures for responding to an*
9 *active threat, and any other training required for De-*
10 *partment police officers;*

11 (5) *any security weakness;*

12 (6) *an analysis of the relationship between the*
13 *covered facility (including the Department police offi-*
14 *cers who work at the covered facility) and local law*
15 *enforcement agencies;*

16 (7) *efforts by the personnel of the covered facility*
17 *to address and reduce criminal activity at, or in close*
18 *proximity to, the covered facility; and*

19 (8) *recommendations for the Secretary to better*
20 *address and reduce criminal activity at, or in close*
21 *proximity to, covered facilities.*

22 (b) *REPORT.*—*Not later than one year after the date*
23 *of the enactment of this Act, and annually thereafter for*
24 *each of the following five years, the Secretary shall submit*
25 *to each of the Committees on Veterans' Affairs of the Senate*

1 *and the House of Representatives an annual report regard-*
2 *ing security at covered facilities that includes—*

3 (1) *the results of the annual survey described*
4 *under subsection (a) for the year covered by the re-*
5 *port;*

6 (2) *an analysis, made in coordination with the*
7 *Director of the Office of Security and Law Enforce-*
8 *ment of such Department and each director and po-*
9 *lice chief of a Veterans Integrated Service Network, of*
10 *the results of the annual survey described under sub-*
11 *section (a) for the year covered by the report;*

12 (3) *a plan of action that describes how the Sec-*
13 *retary plans to address any security weakness identi-*
14 *fied in the results of the annual survey and includes*
15 *clearly-stated goals with measurable benchmarks for*
16 *each goal and deadlines for each benchmark; and*

17 (4) *a list of each vacant position for police chief*
18 *or deputy police chief at each covered facility, and the*
19 *number of days the position has been vacant.*

20 *(c) DEFINITIONS.—In this section:*

21 (1) *The term “covered equipment” means any*
22 *item issued by the Secretary of Veterans Affairs to a*
23 *Department police officer (including batons, firearms,*
24 *pepper spray, ballistic vests, body-worn cameras, and*

1 *radios) for use in the provision of services under sec-*
2 *tion 902 of title 38, United States Code.*

3 (2) *The term “covered employee” means any em-*
4 *ployee of the Department of Veterans Affairs who is*
5 *employed at a covered facility as a police chief, a fa-*
6 *cility emergency management leader, a facility direc-*
7 *tor, or a person carrying out the responsibilities of*
8 *one of these positions in an acting capacity.*

9 (3) *The term “covered facility” means any facil-*
10 *ity of the Department of Veterans Affairs where De-*
11 *partment police officers have jurisdiction.*

12 (4) *The term “Department police officer” has the*
13 *meaning given to such term as used in section 902 of*
14 *title 38, United States Code.*

15 (5) *The term “security weakness” means a defi-*
16 *ciency in the facilities, staffing, or covered equipment*
17 *at a covered facility that a covered employee of the*
18 *covered facility determines presents a risk to the safe-*
19 *ty of visitors or staff, including an unsecured door,*
20 *inoperable security camera, unsecured police oper-*
21 *ations room, a lack of security presence at an en-*
22 *trance to the covered facility, and a lack of security*
23 *presence in an area of the covered facility or the*
24 *grounds of the covered facility that the director of the*

1 *covered facility determines requires an increased secu-*
2 *rity presence.*

3 **SEC. 6. DEPARTMENT OF VETERANS AFFAIRS HOUSING**

4 **LOAN FEES.**

5 *The loan fee table in section 3729(b)(2) of title 38,*
6 *United States Code, is amended by striking “November 14,*
7 *2031” each place it appears and inserting “March 12,*
8 *2032”.*

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