

118TH CONGRESS
1ST SESSION

H. R. 3581

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2023

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Caregiver Outreach
3 and Program Enhancement Act” or the “COPE Act”.

4 **SEC. 2. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO AWARD GRANTS TO ENTITIES TO**
5 **IMPROVE PROVISION OF MENTAL HEALTH**
6 **SUPPORT TO FAMILY CAREGIVERS OF VET-**
7 **ERANS.**

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

12 **“§ 1720K. Grants to provide mental health support to**
13 **family caregivers of veterans**

14 “(a) AUTHORITY.—The Secretary may award grants
15 to carry out, coordinate, improve, or otherwise enhance
16 mental health counseling, treatment, or support to the
17 family caregivers of veterans participating in the family
18 caregiver program.

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

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

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

1 “(B) A description of the programs or efforts
2 through which the entity will meet the outcome
3 measures developed by the Secretary under sub-
4 section (g).

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

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

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

17 “(d) PRIORITY.—The Secretary shall prioritize
18 awarding grants under this section that will serve the fol-
19 lowing areas:

20 “(1) Areas with high rates of veterans enrolled
21 in the family caregiver program.

22 “(2) Areas with high rates of—

23 “(A) suicide among veterans; or

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

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

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

5 “(2) to establish new or additional programs,
6 activities, and services; or

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

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

12 “(A) Outcome measures.

13 “(B) Policies of the Department.

14 “(2) In developing outcome measures under para-
15 graph (1), the Secretary shall consider the following goals:

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

19 “(B) Reducing barriers to mental health serv-
20 ices among family caregivers of veterans partici-
21 pating in such program.

22 “(g) TRACKING REQUIREMENTS.—(1) The Secretary
23 shall establish appropriate tracking requirements with re-
24 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 re-
3 quirements.

4 “(h) PERFORMANCE REVIEW.—The Secretary
5 shall—

6 “(1) review the performance of each entity that
7 receives a grant under this section; and

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

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

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

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

1 “(k) SUPPLEMENT, NOT SUPPLANT.—Any grant
2 awarded under this section shall be used to supplement
3 and not supplant funding that is otherwise available
4 through the Department to provide mental health support
5 among family caregivers of veterans participating in the
6 family caregiver program.

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

14 “(m) FUNDING.—(1) Amounts for the activities of
15 the Department under this section shall be budgeted and
16 appropriated through a separate appropriation account.

17 “(2) In the budget justification materials submitted
18 to Congress in support of the budget of the Department
19 for any fiscal year (as submitted with the budget of the
20 President under section 1105(a) of title 31), the Secretary
21 shall include a separate statement of the amount re-
22 quested to be appropriated for that fiscal year for the ac-
23 count specified in paragraph (1).

24 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to the Secretary, for each

1 of fiscal years 2024 through 2026, \$50,000,000 to carry
2 out this section.

3 “(o) DEFINITIONS.—In this section:

4 “(1) The terms ‘caregiver’ and ‘family care-
5 giver’ have the meanings given those terms in sec-
6 tion 1720G of this title.

7 “(2) The term ‘family caregiver program’
8 means the program of comprehensive assistance for
9 family caregivers under section 1720G of this title.

10 “(3) The term ‘Veterans Crisis Line’ means the
11 toll-free hotline for veterans established under sec-
12 tion 1720F of this title.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such subchapter is amended by adding
15 at the end the following new item:

*“1720K. Grants to provide mental health support to family caregivers of vet-
erans.”.*

16 **SEC. 3. CONTRIBUTIONS TO LOCAL AUTHORITIES TO MITI-**
17 **GATE THE RISK OF FLOODING ON LOCAL**
18 **PROPERTY ADJACENT TO MEDICAL FACILI-**
19 **TIES OF THE DEPARTMENT OF VETERANS AF-**
20 **FAIRS.**

21 (a) IN GENERAL.—Section 8108 of title 38, United
22 States Code, is amended by inserting “, or to mitigate the
23 risk of flooding, including the risk of flooding associated
24 with rising sea levels” before the period at the end.

1 (b) REPORT.—Not later than two years after the date
2 of the enactment of this Act, the Secretary of Veterans
3 Affairs shall submit to the Committees on Veterans’ Af-
4 fairs of the House of Representatives and the Senate a
5 report that includes an assessment of—

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

11 (2) whether additional resources are necessary
12 to address the risk of flooding at each such facility.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for the Department of Vet-
15 erans Affairs for each of fiscals year 2024 through 2028
16 \$25,000,000 to carry out the amendment made by sub-
17 section (a).

18 **SEC. 4. GAO REPORT ON MENTAL HEALTH SUPPORT FOR**
19 **CAREGIVERS.**

20 (a) REPORT REQUIRED.—Not later than one year
21 after the date of the enactment of this Act, the Comp-
22 troller General of the United States shall submit to the
23 Committee on Veterans’ Affairs of the Senate and the
24 Committee on Veterans’ Affairs of the House of Rep-

1 representatives a report on the provision of mental health
2 support to caregivers of veterans.

3 (b) CONTENTS.—The report submitted under sub-
4 section (a) shall include the following:

5 (1) An assessment of the need for mental
6 health support among caregivers participating in the
7 caregiver programs.

8 (2) An assessment of options for mental health
9 support in facilities of the Department of Veterans
10 Affairs and in the community for caregivers partici-
11 pating in the caregiver programs.

12 (3) An assessment of the availability and acces-
13 sibility of mental health support in facilities of the
14 Department and in the community for caregivers
15 participating in the caregiver programs.

16 (4) An assessment of the awareness among
17 caregivers of the availability of mental health sup-
18 port in facilities of the Department and in the com-
19 munity for caregivers participating in the caregiver
20 programs.

21 (5) An assessment of barriers to mental health
22 support in facilities of the Department and in the
23 community for caregivers participating in the care-
24 giver programs.

25 (c) DEFINITIONS.—In this section:

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

4 (2) The term “caregiver programs” means—

5 (A) the program of comprehensive assist-
6 ance for family caregivers under subsection (a)
7 of section 1720G of title 38, United States
8 Code; and

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

11 **SEC. 5. ANNUAL REVIEW OF SECURITY AT COVERED FA-**
12 **CILITIES OF THE DEPARTMENT OF VET-**
13 **ERANS AFFAIRS.**

14 (a) ANNUAL SURVEY.—Not later than one year after
15 the date of the enactment of this Act, and annually there-
16 after for each of the following five years, the Secretary
17 of Veterans Affairs, in coordination with the Director of
18 the Office of Security and Law Enforcement of the De-
19 partment of Veterans Affairs, shall conduct an annual sur-
20 vey of covered employees to collect information regarding
21 security at each covered facility. Each annual survey shall
22 include questions about—

23 (1) the type and frequency of criminal activity
24 experienced at the covered facility during the 12

1 months prior to the date the covered employee com-
2 pletes the survey;

3 (2) the number of vacant positions for Depart-
4 ment police officers at the covered facility and the
5 number of days each vacant position has been va-
6 cant;

7 (3) the availability and adequacy of covered
8 equipment;

9 (4) the availability and adequacy of resources,
10 classes, or other time set aside for training Depart-
11 ment police officers who work at each covered facil-
12 ity about any skill or tactic related to law enforce-
13 ment, including the proper use of force, firearms
14 qualifications and training, procedures for respond-
15 ing to an active threat, and any other training re-
16 quired for Department police officers;

17 (5) any security weakness;

18 (6) an analysis of the relationship between the
19 covered facility (including the Department police of-
20 ficers who work at the covered facility) and local law
21 enforcement agencies;

22 (7) efforts by the personnel of the covered facil-
23 ity to address and reduce criminal activity at, or in
24 close proximity to, the covered facility; and

1 (8) recommendations for the Secretary to better
2 address and reduce criminal activity at, or in close
3 proximity to, covered facilities.

4 (b) REPORT.—Not later than one year after the date
5 of the enactment of this Act, and annually thereafter for
6 each of the following five years, the Secretary shall submit
7 to each of the Committees on Veterans’ Affairs of the Sen-
8 ate and the House of Representatives an annual report
9 regarding security at covered facilities that includes—

10 (1) the results of the annual survey described
11 under subsection (a) for the year covered by the re-
12 port;

13 (2) an analysis, made in coordination with the
14 Director of the Office of Security and Law Enforce-
15 ment of such Department and each director and po-
16 lice chief of a Veterans Integrated Service Network,
17 of the results of the annual survey described under
18 subsection (a) for the year covered by the report;

19 (3) a plan of action that describes how the Sec-
20 retary plans to address any security weakness identi-
21 fied in the results of the annual survey and includes
22 clearly-stated goals with measurable benchmarks for
23 each goal and deadlines for each benchmark; and

1 (4) a list of each vacant position for police chief
2 or deputy police chief at each covered facility, and
3 the number of days the position has been vacant.

4 (c) DEFINITIONS.—In this section:

5 (1) The term “covered equipment” means any
6 item issued by the Secretary of Veterans Affairs to
7 a Department police officer (including batons, fire-
8 arms, pepper spray, ballistic vests, body-worn cam-
9 eras, and radios) for use in the provision of services
10 under section 902 of title 38, United States Code.

11 (2) The term “covered employee” means any
12 employee of the Department of Veterans Affairs who
13 is employed at a covered facility as a police chief, a
14 facility emergency management leader, a facility di-
15 rector, or a person carrying out the responsibilities
16 of one of these positions in an acting capacity.

17 (3) The term “covered facility” means any fa-
18 cility of the Department of Veterans Affairs where
19 Department police officers have jurisdiction.

20 (4) The term “Department police officer” has
21 the meaning given to such term as used in section
22 902 of title 38, United States Code.

23 (5) The term “security weakness” means a defi-
24 ciency in the facilities, staffing, or covered equip-
25 ment at a covered facility that a covered employee

1 of the covered facility determines presents a risk to
2 the safety of visitors or staff, including an unsecured
3 door, inoperable security camera, unsecured police
4 operations room, a lack of security presence at an
5 entrance to the covered facility, and a lack of secu-
6 rity presence in an area of the covered facility or the
7 grounds of the covered facility that the director of
8 the covered facility determines requires an increased
9 security presence.

10 **SEC. 6. DEPARTMENT OF VETERANS AFFAIRS HOUSING**
11 **LOAN FEES.**

12 The loan fee table in section 3729(b)(2) of title 38,
13 United States Code, is amended by striking “November
14 14, 2031” each place it appears and inserting “March 12,
15 2032”.

Passed the House of Representatives December 4,
2023.

Attest: KEVIN F. MCCUMBER,
Clerk.