

CAREGIVER OUTREACH AND PROGRAM ENHANCEMENT  
ACT

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OCTOBER 25, 2023.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. BOST, from the Committee on Veterans' Affairs,  
submitted the following

R E P O R T

[To accompany H.R. 3581]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 3581) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO AWARD GRANTS TO ENTITIES TO IMPROVE PROVISION OF MENTAL HEALTH SUPPORT TO FAMILY CAREGIVERS OF VETERANS.**

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

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

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

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

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

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

“(B) A description of the programs or efforts through which the entity will meet the outcome measures developed by the Secretary under subsection (g).

“(C) A description of how the entity will distribute grant amounts equitably among areas with varying levels of urbanization.

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

“(c) DISTRIBUTION.—The Secretary shall seek to ensure that grants awarded under this section are equitably distributed among entities located in States with varying levels of urbanization.

“(d) PRIORITY.—The Secretary shall prioritize awarding grants under this section that will serve the following areas:

“(1) Areas with high rates of veterans enrolled in the family caregiver pro-

gram.

“(2) Areas with high rates of—

“(A) suicide among veterans; or

“(B) referrals to the Veterans Crisis Line.

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

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

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

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

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

“(A) Outcome measures.

“(B) Policies of the Department.

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

“(A) Increasing the utilization of mental health services among family caregivers of veterans participating in the family caregiver program.

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

“(g) TRACKING REQUIREMENTS.—(1) The Secretary shall establish appropriate tracking requirements with respect to the entities receiving a grant under this section.

“(2) Not less frequently than annually, the Secretary shall submit to Congress a report on such tracking requirements.

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

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

“(2) make information regarding such performance publicly available.

“(i) REMEDIATION PLAN.—(1) In the case of an entity that receives a grant under this section and does not meet the outcome measures developed by the Secretary under subsection (g), the Secretary shall require the entity to submit to the Sec-

etary a remediation plan under which the entity shall describe how and when it plans to meet such outcome measures.

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

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

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

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

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

“(2) In the budget justification materials submitted to Congress in support of the budget of the Department for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested to be appropriated for that fiscal year for the account specified in paragraph (1).

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

“(o) DEFINITIONS.—In this section:

“(1) The terms ‘caregiver’ and ‘family caregiver’ have the meanings given those terms in section 1720G of this title.

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

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

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

“1720K. Grants to provide mental health support to family caregivers of veterans.”.

**SEC. 3. CONTRIBUTIONS TO LOCAL AUTHORITIES TO MITIGATE THE RISK OF FLOODING ON LOCAL PROPERTY ADJACENT TO MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.**

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

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscals year 2024 through 2028 \$25,000,000 to carry out the amendment made by subsection (a).

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

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

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

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

(2) An assessment of options for mental health support in facilities of the Department of Veterans Affairs and in the community for caregivers participating in the caregiver programs.

(3) An assessment of the availability and accessibility of mental health support in facilities of the Department and in the community for caregivers participating in the caregiver programs.

(4) An assessment of the awareness among caregivers of the availability of mental health support in facilities of the Department and in the community for caregivers participating in the caregiver programs.

(5) An assessment of barriers to mental health support in facilities of the Department and in the community for caregivers participating in the caregiver programs.

(c) **DEFINITIONS.**—In this section:

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

(2) The term “caregiver programs” means—

(A) the program of comprehensive assistance for family caregivers under subsection (a) of section 1720G of title 38, United States Code; and

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

**SEC. 5. ANNUAL REVIEW OF SECURITY AT COVERED FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.**

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

(1) the type and frequency of criminal activity experienced at the covered facility during the 12 months prior to the date the covered employee completes the survey;

(2) the number of vacant positions for Department police officers at the covered facility and the number of days each vacant position has been vacant;

(3) the availability and adequacy of covered equipment;

(4) the availability and adequacy of resources, classes, or other time set aside for training Department police officers who work at each covered facility about any skill or tactic related to law enforcement, including the proper use of force, firearms qualifications and training, procedures for responding to an active threat, and any other training required for Department police officers;

(5) any security weakness;

(6) an analysis of the relationship between the covered facility (including the Department police officers who work at the covered facility) and local law enforcement agencies;

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

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

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

(1) the results of the annual survey described under subsection (a) for the year covered by the report;

(2) an analysis, made in coordination with the Director of the Office of Security and Law Enforcement of such Department and each director and police chief of a Veterans Integrated Service Network, of the results of the annual survey described under subsection (a) for the year covered by the report;

(3) a plan of action that describes how the Secretary plans to address any security weakness identified in the results of the annual survey and includes clearly-stated goals with measurable benchmarks for each goal and deadlines for each benchmark; and

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

(c) **DEFINITIONS.**—In this section:

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

(2) The term “covered employee” means any employee of the Department of Veterans Affairs who is employed at a covered facility as a police chief, a facility

emergency management leader, a facility director, or a person carrying out the responsibilities of one of these positions in an acting capacity.

(3) The term “covered facility” means any facility of the Department of Veterans Affairs where Department police officers have jurisdiction.

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

(5) The term “security weakness” means a deficiency in the facilities, staffing, or covered equipment at a covered facility that a covered employee of the covered facility determines presents a risk to the safety of visitors or staff, including an unsecured door, inoperable security camera, unsecured police operations room, a lack of security presence at an entrance to the covered facility, and a lack of security presence in an area of the covered facility or the grounds of the covered facility that the director of the covered facility determines requires an increased security presence.

#### **SEC. 6. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN FEES.**

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

#### **PURPOSE AND SUMMARY**

H.R. 3581, the “Caregiver Outreach and Program Enhancement Act” or “COPE Act,” was introduced by Representative Jennifer Kiggans of Virginia, on May 22, 2023.

H.R. 3581, as amended, would amend Title 38 of the United States Code by authorizing the Secretary of Veterans’ Affairs to award grants to entities to improve the provision of mental health support to family caregivers of veterans participating in the family caregiver program. This legislation would also require a Comptroller General report on the provision of mental health support to caregivers of veterans. The bill as amended also includes the following bills:

H.R. 2683, the “VA Flood Preparedness Act” was introduced by Representative Nancy Mace of South Carolina, on April 18, 2023. H.R. 2683 would amend Section 8108 of title 38 of the United States Code to allow local authorities to mitigate the risk of flooding on local property adjacent to Department of Veterans Affairs (VA) medical facilities. This legislation would also require a report from the Secretary of Veterans’ Affairs no later than two years after the date of enactment.

H.R. 3504, the “VA Medical Center Security Report of 2023” was introduced by Representative Jennifer Kiggans of Virginia, on May 18, 2023. H.R. 3504 would require the Secretary of Veterans’ Affairs to submit to each of the Committees on Veterans’ Affairs of the Senate and House of Representatives an annual report regarding security at VA facilities.

Finally, the bill as amended would provide an offset for the cost of these programs by extending current rates for VA home loan funding fees.

#### **BACKGROUND AND NEED FOR LEGISLATION**

##### *Section 1: Short title*

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

*Section 2: Authority for Secretary of Veterans Affairs to award grants to entities to improve provision of mental health to support caregivers of veterans*

The Program of Comprehensive Assistance for Family Caregivers (PCAFC) along with the Program of General Caregiver Support Services (PGCSS) make up the VA programs that provide certification and access to resources for those caring for veterans. Both programs provide access to training and peer-support through online and in-person sessions, skills training focused on caregiving for a veteran's unique needs, counseling as related to the care of the veteran, and respite care. PCAFC is specifically for a family member or close friend who decides to take on the caregiving responsibility for a seriously ill or injured veteran. In addition to the services offered in both programs, these caregivers receive an additional stipend to compensate for their time and effort, mental health counseling, access to CHAMPVA if no other health insurance available, and beneficiary travel compensation.

Even with the support elements made available via PCAFC, the stress of providing care often leaves caregivers wrestling with their own mental and physical hardships while they struggle to maintain a strong front for the veterans dependent on their care. In the current program, while caregivers are eligible for mental health support from VA, that aid has been constrained due to limited access and resources, as well as for intangible reasons such as stigma or fear of being disenrolled from the program. This challenging circumstance leaves caregivers with partially fulfilled mental health needs. Committee staff have met with several organizations representing caregivers who have expressed the level of concern and hesitancy from their members about seeking mental health care at VA facilities. This bill would help address this issue by setting up a grant program that would help caregivers seek the mental health they need without fear of reducing access for veterans or concerns about stigma. The Committee believes this change would be an important step toward providing access to a critical service that would not only help caregivers, but also the veterans who depend on them.

*Section 3: Contributions to local authorities to mitigate the risk of flooding on local property adjacent to medical facilities of the Department of Veterans Affairs*

Many VA medical facilities are at least 60 years old. Some of these facilities have, over the years and due to locations in low-lying areas, been subject to flooding that impacts ingress or egress, or even threatens building functions. Flood preparedness is a prudent focus for VA facilities that are historically at risk of flooding from storms or from water encroachment that may or may not be tied to climate change. In certain instances, collaboration with local authorities is necessary for VA's flood preparedness, but the current statute only allows VA to contribute to local authorities for "the construction of traffic controls, road improvements, or other devices adjacent to a medical facility if considered necessary for safe ingress or egress." This bill would allow VA to assist in locality flood mitigation investments on non-VA property that may be adjacent to facilities. The Secretary would also be required to do an assessment of each VA medical facility as to the extent that flooding

may be a risk and identify what resources may be needed to address that risk. The Committee believes that this change will help protect VA facilities from future flooding, which will improve the ability to provide healthcare to veterans at these facilities safely.

*Section 4: GAO report on mental health support for caregivers*

This section would require a Government Accountability Office report no later than one year after the enactment of the section. The report would assess the options for mental health support at VA facilities and in the community for caregivers, the availability of it, awareness of caregivers of options, and barriers to mental health at VA and the community for caregivers.

*Section 5: Annual review of security at covered facilities of the Department of Veterans Affairs*

In the 117th Congress, the Committee requested a significant amount of data about crime at VA medical centers. Violent crime, defined as active shooter, homicide, aggravated assault, sexual assault, and robbery, at VA medical centers has increased dramatically in the last few years. In FY 2018, 3,141 violent crimes were committed. This increased to 5,002 in FY 2020 and in FY 2021, 6,505 violent crimes occurred at VA medical centers. This increase in crime occurred despite the number of people at VA medical centers decreasing due to COVID-19. To address these challenges, VA claims it has reworked its policing structure and hired a record number of officers; however, our committee lacks data to validate these claims.

While the Committee knows that crime is increasing at VA medical centers, the Committee lacks a clear picture of the specific challenges all VA facilities are facing, as well as the broader issues impeding VA policing. The report in this section would give the Committee insight into the criminal activity on VA campuses as well as the status of equipment, training, current vacancies, and a host of other important information. This data would enable the Committee to identify the specific factors inhibiting safety at VA facilities—including medical facilities, benefits offices, and cemeteries—and would allow the Committee to intelligently address the issues through appropriate and targeted oversight and legislation.

*Section 6: Department of Veterans Affairs Housing Loan Fees*

Currently, veterans who take advantage of the VA Home Loan Program pay a small fee that is included in their monthly mortgage payment. This language would provide funding for the programs included in the larger legislation by extending the current rates for VA home loan funding fees by a few months. This funding method has been used since 1989, and extending the funding fee increases a veteran's monthly cost by about \$5 on top of the monthly mortgage. The funding fee is not paid by disabled veterans, so they are not affected by this extension of the home loan fees.

HEARINGS

On June 21, 2023, the Subcommittee on Health held a legislative hearing on H.R. 3581, H.R. 2683, and other bills pending before the subcommittee. The following witnesses testified:

The Honorable Jenniffer González-Colón, U.S. House of Representatives, District At Large, Puerto Rico; Dr. Erica Scavella, M.D., Assistant Under Secretary for Health for Clinical Services, Veterans Health Administration, U.S. Department of Veterans Affairs; Dr. Colleen Richardson, Psy.D., Executive Director, Caregiver Support Program, Veterans Health Administration, U.S. Department of Veterans Affairs; Dr. Scotte Hartronft, M.D., Executive Director, Office of Geriatrics and Extended Care, Veterans Health Administration, U.S. Department of Veterans Affairs; Dr. Mark Hausman, M.D., Executive Director, Integrated Access, Office of Integrated Veteran Care, Veterans Health Administration, U.S. Department of Veterans Affairs; Mr. Jon Retzer, Assistant National Legislative Director, Disabled American Veterans; Ms. Tiffany Ellett, Director, Veterans Affairs and Rehabilitation Division, The American Legion; Mr. Cole Lyle, Executive Director, Mission Roll Call, America's Warrior Partnership.

The following individuals and organizations submitted statements for the record:

Wounded Warrior Project, The Independence Fund, Concerned Veterans for America, American Federation of Government Employees, All Points North, Veterans of Foreign War.

On July 12, 2023, the Subcommittee on Oversight and Investigations held a legislative hearing on H.R. 3504, and other bills pending before the subcommittee. The following witnesses testified:

Mr. Lewis Ratchford, Chief Security Officer and Deputy Assistant Secretary for the Office of Emergency Management and Resilience, Office of Operations, Security, and Preparedness, U.S. Department of Veterans Affairs; Mr. Rondy Waye, Executive Director, Human Capital Programs, Office of the Chief Human Capital Officer, U.S. Department of Veterans Affairs; Mr. Ray Tellez, Acting Deputy Under Secretary for Automated Benefits Delivery, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Dr. Angela Billups, Executive Director, Office of Acquisition and Logistics, Office of Acquisition, Logistics, and Construction, U.S. Department of Veterans Affairs; Mr. David Case, Deputy Inspector General, Office of the Inspector General, U.S. Department of Veterans Affairs; Mr. Joshua Hastings, Veterans Benefits Policy Analyst, The American Legion; Mr. Patrick Murray, Director, National Legislative Service, Veterans of Foreign Wars; Mr. Clint Romesha, SSG (ret), Board of Director, Emeritus, America's Warrior Partnership; Ms. Terry Gerton, President and Chief Executive Officer, National Academy of Public Administration.

The following individuals and organizations submitted statements for the record:

American Federation of Government Employees (AFL-CIO), Concerned Veterans for America, Dr. Donald F. Kettl, National Federation of Federal Employees, Partnership for Public Service, Senior Executives Association, and United Nurses Association of California/Union of Health Care Professionals.

#### SUBCOMMITTEE CONSIDERATION

On July 18, 2023, the Subcommittee on Health met in open markup session, a quorum being present, and ordered H.R. 3581

and H.R. 2683, be reported favorably to the House Committee on Veterans Affairs by voice vote.

A motion by Ranking Member Brownley of California to report H.R. 3581 and H.R. 2683 favorably to the House Committee on Veterans Affairs was agreed to by voice vote.

On July 19, 2023, the Subcommittee on Oversight and Investigations met in open mark-up session, a quorum being present, and ordered H.R. 3504, as amended, be reported favorably to the House Committee on Veterans Affairs by voice vote. During consideration of the bill, the following amendment was considered:

An amendment in the nature of a substitute was offered by Chairwoman Kiggans of Virginia that amended H.R. 3504 to apply to all VA facilities, not just VA medical facilities. The amendment in the nature of substitute was approved by voice vote.

A motion by Ranking Member Mrvan of Indiana, to report H.R. 3504, as amended, favorably to the House Committee on Veterans Affairs was agreed to by voice vote.

#### COMMITTEE CONSIDERATION

On July 26, 2023, the full Committee met in open markup session, a quorum being present. During consideration of the bill, the following amendment was considered:

An amendment in the nature of a substitute was offered by Representative Miller-Meeks of Iowa that included the text of H.R. 3581, adopted by the Subcommittee on Heath, and added the text of the following bills: H.R. 2688, and H.R. 3504, as amended, and as adopted by the Subcommittee on Oversight and Investigations. The amendment would also extend current rates for VA home loan funding fees to pay for programs in the bill. The amendment in the nature of substitute was approved by voice vote.

A motion by Ranking Member Takano of California to report H.R. 3581, as amended, favorably to the House of Representatives was agreed to by voice vote.

#### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, no recorded votes were taken on amendments or in connection with ordering H.R. 3581, as amended, reported to the House.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives of H.R. 3581, as amended, are to provide improvements to healthcare benefits provided to veterans.

#### EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 3581, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

#### COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 3581, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 3581, as amended, provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

At a Glance			
<b>H.R. 3581, Caregiver Outreach and Program Enhancement Act</b>			
As ordered reported by the House Committee on Veterans' Affairs on July 26, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	-288
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	-288
Spending Subject to Appropriation (Outlays)	0	277	277
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	<b>Mandate Effects</b> Contains intergovernmental mandate? No Contains private-sector mandate? No	

The bill would:

- Extend the higher rates for fees that the Department of Veterans Affairs (VA) now charges borrowers for home loan guarantees
  - Authorize VA to make grants to entities that support mental health care for family caregivers
  - Allow VA to contribute funds to local authorities for projects to mitigate flood risks at VA medical facilities
  - Require the Government Accountability Office to report on VA's efforts to support family caregivers' mental health
  - Require several studies, surveys, and reports on flood risks and security at VA facilities

Estimated budgetary effects would mainly stem from:

- Extending the higher rates for fees charged by VA for home loan guarantees
  - Authorizing grants to entities that provide mental health support and services

- Providing contributions to local authorities

**Bill summary:** H.R. 3581 would make changes to the home loan guarantee program of the Department of Veterans Affairs (VA). The bill also would authorize VA to make grants to entities that provide mental health services to family caregivers of veterans and to contribute funds to local authorities to help mitigate flood risks at VA medical facilities. In addition, the bill would require several studies, surveys, and reports by VA and the Government Accountability Office (GAO).

**Estimated Federal cost:** The estimated budgetary effects of H.R. 3581 are shown in Table 1. The costs of the legislation fall within budget function 700 (veterans benefits and services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3581

	By fiscal year, millions of dollars—												
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2023–2028	2023–2033
Decreases in Direct Spending													
Estimated Budget Authority .....	0	0	0	0	0	0	0	0	0	–288	0	0	–288
Estimated Outlays .....	0	0	0	0	0	0	0	0	0	–288	0	0	–288
Increases in Spending Subject to Appropriation													
Estimated Authorization ..	0	75	76	76	25	25	0	0	0	0	0	277	277
Estimated Outlays .....	0	70	76	76	30	25	0	0	0	0	0	277	277

**Basis of estimate:** For this estimate, CBO assumes that H.R. 3581 will be enacted at the beginning of fiscal year 2024 and that provisions will take effect upon enactment or on the dates specified by the bill. CBO also estimates that outlays will follow historical spending patterns for affected programs.

**Direct spending:** The bill would extend—for about four months—the higher fees that VA charges borrowers for its loan guarantees. VA provides loan guarantees to lenders that allow eligible borrowers to obtain better loan terms—such as lower interest rates or smaller down payments—to purchase, build, improve, or refinance a home. VA typically pays lenders up to 25 percent of the outstanding mortgage balance if a borrower's home is foreclosed upon. Those payments, net of fees paid by borrowers and recoveries by lenders, constitute the subsidy cost for the loan guarantees.<sup>1</sup>

Under current law, the rates for most fees that borrowers pay to VA for loans guaranteed on or after November 14, 2031, will drop from a weighted average of about 2.4 percent to about 1.2 percent of the loan amount. Section 6 of the bill would extend the higher rates through March 12, 2032, thereby reducing the subsidy cost of loans guaranteed during that four-month period. Using information from VA, CBO estimates that extending the higher rates would decrease direct spending by \$288 million over the 2023–2033 period.

<sup>1</sup> Under the Federal Credit Reform Act of 1990, the subsidy cost of a loan guarantee is the net present value of estimated payments by the government to cover defaults and delinquencies, interest subsidies, or other expenses offset by any payments to the government, including origination or other fees, penalties, and recoveries on defaulted loans. Such subsidy costs are calculated by discounting those expected cash flows using the rate on Treasury securities of comparable maturity. The resulting estimated subsidy costs are recorded in the budget when the loans are disbursed or modified. A positive subsidy indicates that the loan results in net outlays from the Treasury; a negative subsidy indicates that the loan results in net receipts to the Treasury.

Spending subject to appropriation: H.R. 3581 also would authorize appropriations for several purposes and would require VA and GAO to produce several reports. In total, implementing those provisions would cost \$277 million over the 2023–2028 period (see Table 2). Such spending would be subject to the appropriation of the specified and estimated amounts.

TABLE 2.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 3581

	By fiscal year, millions of dollars—						
	2023	2024	2025	2026	2027	2028	2023–2028
Grants:							
Authorization .....	0	50	50	50	0	0	150
Estimated Outlays .....	0	45	50	50	5	0	150
Contributions:							
Authorization .....	0	25	25	25	25	25	125
Estimated Outlays .....	0	25	25	25	25	25	125
Reports:							
Estimated Authorization .....	0	*	1	1	*	*	2
Estimated Outlays .....	0	*	1	1	*	*	2
Total Changes:							
Estimated Authorization .....	0	75	76	76	25	25	277
Estimated Outlays .....	0	70	76	76	30	25	277

\* = between zero and \$500,000.

*Grants.* Section 2 would authorize VA to award grants to entities that provide and coordinate services to improve the mental health of people who participate in the department's family caregiver program. The bill would authorize appropriations of \$50 million for each of fiscal years 2024 through 2026 for those grants. Using historical spending rates for similar activities, CBO estimates that the grants would cost \$150 million over the 2023–2028 period.

*Contributions.* Section 3 would authorize annual appropriations of \$25 million over the 2024–2028 period for contributions to local authorities for projects to mitigate the risk of flooding on properties that are adjacent to VA's medical facilities. CBO estimates that implementing section 3 would cost \$125 million over the 2023–2028 period.

*Reports.* H.R. 3581 would require GAO to evaluate the need for and availability of mental health support for family caregivers of veterans and to report those findings to the Congress. The bill also would require VA to survey employees concerning security at the department's facilities and to report that information annually to the Congress. In addition, the bill would require a onetime report on flood risks at its facilities. Based on costs for similar activities, CBO estimates the cost of implementing at \$2 million over the 2023–2028 period.

*Pay-As-You-Go* considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 1.

Increase in long-term net direct spending and deficits: None.

Mandates: None.

Estimate prepared by: Federal Costs: Paul B.A. Holland (for home loans), Etaf Khan (for veterans' health); Mandates: Grace Watson.

Estimate reviewed by: David Newman, Chief, Defense, International Affairs, and Veterans' Affairs Cost Estimates Unit; Christina Hawley Anthony, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 3581, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 3581, as amended.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 3581, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3581, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1: Short title*

Section 1 would establish the short title as the “*Caregiver Outreach and Program Enhancement Act*” or the “*COPE Act*.”

##### *Section 2: Authority for Secretary of Veterans Affairs to award grants to entities to improve provision of mental health support to family caregivers of veterans*

Section 2(a) would amend Subchapter II of chapter 17 of title 38 U.S.C., by adding at the end the following new section: Section 1720K. Grants to provide mental health support to family caregivers of veterans.

Section (a) would allow the Secretary to award grants to carry out, coordinate, improve, or otherwise enhance mental health counseling, treatment, or support to the family caregivers of veterans participating in the family caregiver program.

Section (b) would establish eligibility by requiring an entity to submit an application that includes a detailed plan for the use of the grant, a description of the program through which

outcome measures are met, a description of equitable distribution of grants in different areas, and plans for meeting the unique needs of veterans in underserved areas.

Section (c) would require the Secretary to seek to distribute grants equitably among entities located in states with varying levels of urbanization.

Section (d) would prioritize the award of grant to areas with high rates of veterans enrolled in the family caregiver program and areas with high rates of veteran suicide or referrals to the Veteran Crisis Line.

Section (e) would require that grants awarded under this section shall be used to: expand existing programs, activities and services; establish new or additional programs, activities, and services; or for travel and transportation to facilitate programs, activities, and services.

Section (f) would require the Secretary to provide written guidance on outcome measures and on policies of the Department. In developing outcome measures, consideration would be given to increasing mental health services utilization and reducing barriers for family caregivers.

Section (g) would require the Secretary to develop tracking requirements and to report on them annually to Congress.

Section (h) would require the Secretary to review grantee performance, making such information publicly available.

Section (i) would require that in the case an entity does not meet the developed outcome measures, the Secretary shall require the entity to submit a remediation plan and describe how and when it plans to meet such outcome measure.

Section (j) would limit the amount of the grant awarded under this section to not exceed 10 percent of the amounts made available for grants for that fiscal year.

Section (k) would clarify that grants are intended to supplement, not supplant, other funding available for mental health support.

Section (l) would require information about mental health support provided by grant recipients be provided in outreach materials sent to family caregivers participating in the program.

Section (m) would require that amounts for the activities under this section be budgeted and appropriated through a separate appropriation account. In budget justification materials submitted to Congress, the Secretary would also include a separate statement of the amount requested to be appropriated for that fiscal year.

Section (n) would authorize appropriations of \$50,000,000 for each fiscal year 2024 through 2026.

Section (o) would define certain terms used in this section. Section 2(b) would make a clerical amendment.

*Section 3: Contributions to local authorities to mitigate the risk of flooding on local property adjacent to medical facilities of the Department of Veterans' Affairs*

Section 3(a) would amend Section 8108 of title 38, United States Code, by inserting, "or to mitigate the risk of flooding, including

the risk of flooding associated with rising sea levels” before the period at the end.

Section 3(b) would require the Secretary to submit a report no later than two years after the date of enactment to the Committees on Veterans’ Affairs of the House of Representatives and the Senate that includes an assessment of the extent each medical facility is at risk of flooding and whether additional resources are necessary.

Section 3(c) would authorize appropriations, for each fiscal year 2024 through 2028, of \$25,000,000 to carry out the amendment made by subsection (a).

*Section 4: GAO report on mental health support for caregivers*

Section 4(a) would require the Comptroller General of the United States to submit a report to Congress, no later than one year after enactment, that reports on the provision of mental health support to caregivers.

Section 4(b) would require that the report include an assessment of the need for mental health support among caregivers, options for mental health support in VA and in the community, availability, accessibility, awareness of, and barriers to mental health support in VA facilities and the community for caregivers participating in caregiver programs.

Section 4(c) would define certain terms used in this section.

*Section 5: Annual review of security at covered facilities of the Department of Veterans’ Affairs*

Section 5(a) would require the Secretary in coordination with the Director of the Office of Security and Law enforcement of the VA to conduct an annual survey no later than one year after the date of enactment. The survey would collect information regarding security at each covered facility.

Section 5(b) would require the Secretary to submit a report no later than one year after the date of enactment and annually for the next five years, to each of the Committees on Veterans’ Affairs of the Senate and House of Representatives regarding security at covered facilities. The annual report should include detailing survey results, analyses, action plans to address security weaknesses, and information about vacant police chief positions.

Section 5(c) would define certain terms used in this section.

*Section 6: Department of Veterans Affairs Housing Loan Fees*

Section 6 would amend the loan fee table in section 3729(b)(2) of title 38, United States Code, by striking “November 14, 2031” each place it appears and inserting “March 12, 2032”.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**TITLE 38, UNITED STATES CODE**

\* \* \* \* \*

**PART II—GENERAL BENEFITS**

\* \* \* \* \*

**CHAPTER 17—HOSPITAL, NURSING HOME,  
DOMICILIARY, AND MEDICAL CARE**

## SUBCHAPTER I—GENERAL

Sec.

1701. Definitions.

\* \* \* \* \*

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR DOMICILIARY CARE AND  
MEDICAL TREATMENT

\* \* \* \* \*

1720K. *Grants to provide mental health support to family caregivers of veterans.*

\* \* \* \* \*

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR  
DOMICILIARY CARE AND MEDICAL TREATMENT

\* \* \* \* \*

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

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

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

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

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

(B) A description of the programs or efforts through which the entity will meet the outcome measures developed by the Secretary under subsection (g).

(C) A description of how the entity will distribute grant amounts equitably among areas with varying levels of urbanization.

(D) A plan for how the grant will be used to meet the unique needs of veterans residing in rural areas, American Indian or

*Alaska Native veterans, elderly veterans, women veterans, and veterans from other underserved communities.*

(c) *DISTRIBUTION.*—The Secretary shall seek to ensure that grants awarded under this section are equitably distributed among entities located in States with varying levels of urbanization.

(d) *PRIORITY.*—The Secretary shall prioritize awarding grants under this section that will serve the following areas:

- (1) Areas with high rates of veterans enrolled in the family caregiver program.
- (2) Areas with high rates of—
  - (A) suicide among veterans; or
  - (B) referrals to the Veterans Crisis Line.

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

- (1) to expand existing programs, activities, and services;
- (2) to establish new or additional programs, activities, and services; or
- (3) for travel and transportation to facilitate carrying out paragraph (1) or (2).

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

- (A) Outcome measures.
- (B) Policies of the Department.
- (2) In developing outcome measures under paragraph (1), the Secretary shall consider the following goals:
  - (A) Increasing the utilization of mental health services among family caregivers of veterans participating in the family caregiver program.
  - (B) Reducing barriers to mental health services among family caregivers of veterans participating in such program.

(g) *TRACKING REQUIREMENTS.*—(1) The Secretary shall establish appropriate tracking requirements with respect to the entities receiving a grant under this section.

(2) Not less frequently than annually, the Secretary shall submit to Congress a report on such tracking requirements.

(h) *PERFORMANCE REVIEW.*—The Secretary shall—

- (1) review the performance of each entity that receives a grant under this section; and
- (2) make information regarding such performance publicly available.

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

(2) The Secretary may not award a subsequent grant under this section to an entity described in paragraph (1) unless the Secretary approves the remediation plan submitted by the entity under such paragraph.

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

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

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

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

(2) In the budget justification materials submitted to Congress in support of the budget of the Department for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested to be appropriated for that fiscal year for the account specified in paragraph (1).

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

(o) *DEFINITIONS.*—In this section:

(1) The terms “caregiver” and “family caregiver” have the meanings given those terms in section 1720G of this title.

(2) The term “family caregiver program” means the program of comprehensive assistance for family caregivers under section 1720G of this title.

(3) The term “Veterans Crisis Line” means the toll-free hotline for veterans established under section 1720F of this title.

\* \* \* \* \*

## **PART III—READJUSTMENT AND RELATED BENEFITS**

\* \* \* \* \*

### **CHAPTER 37—HOUSING AND SMALL BUSINESS LOANS**

\* \* \* \* \*

#### **SUBCHAPTER III—ADMINISTRATIVE PROVISIONS**

\* \* \* \* \*

##### **§ 3729. Loan fee**

(a) *REQUIREMENT OF FEE.*—(1) Except as provided in subsection (c), a fee shall be collected from each person obtaining a housing loan guaranteed, insured, or made under this chapter, and each person assuming a loan to which section 3714 of this title applies. No such loan may be guaranteed, insured, made, or assumed until the fee payable under this section has been remitted to the Secretary.

(2) The fee may be included in the loan and paid from the proceeds thereof.

(b) DETERMINATION OF FEE.—(1) The amount of the fee shall be determined from the loan fee table in paragraph (2). The fee is expressed as a percentage of the total amount of the loan guaranteed, insured, or made, or, in the case of a loan assumption, the unpaid principal balance of the loan on the date of the transfer of the property.

(2) The loan fee table referred to in paragraph (1) is as follows:

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2004, and before January 1, 2020).	2.15	2.40	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after January 1, 2020, and before April 7, 2023).	2.30	2.30	NA
(A)(iii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after April 7, 2023, and before [November 14, 2031] March 12, 2032).	2.15	2.15	NA

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(iv) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after <b>November 14, 2031</b> <i>March 12, 2032</i> ).	1.40	1.40	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2004, and before January 1, 2020).	3.30	3.30	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after January 1, 2020, and before April 7, 2023).	3.60	3.60	NA
(B)(iii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after April 7, 2023, and before <b>November 14, 2031</b> <i>March 12, 2032</i> ).	3.30	3.30	NA

Type of loan	Active duty veteran	Reservist	Other obligor
(B)(iv) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after <b>November 14, 2031</b> <b>March 12, 2032</b> ).	1.25	1.25	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before January 1, 2020).	1.50	1.75	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after January 1, 2020, and before April 7, 2023).	1.65	1.65	NA
(C)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after April 7, 2023, and before <b>November 14, 2031</b> <b>March 12, 2032</b> ).	1.50	1.50	NA
(C)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after <b>November 14, 2031</b> <b>March 12, 2032</b> ).	0.75	0.75	NA
(D)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before January 1, 2020).	1.25	1.50	NA

Type of loan	Active duty veteran	Reservist	Other obligor
(D)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after January 1, 2020, and before April 7, 2023).	1.40	1.40	NA
(D)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after April 7, 2023, and before <del>November 14, 2031</del> March 12, 2032).	1.25	1.25	NA
(D)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after <del>November 14, 2031</del> March 12, 2032).	0.50	0.50	NA
(E) Interest rate reduction refinancing loan.	0.50	0.50	NA
(F) Direct loan under section 3711.	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan).	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan).	1.25	1.25	NA
(I) Loan assumption under section 3714.	0.50	0.50	0.50
(J) Loan under section 3733(a).	2.25	2.25	2.25.

(3) Any reference to a section in the "Type of loan" column in the loan fee table in paragraph (2) refers to a section of this title.

(4) For the purposes of paragraph (2):

(A) The term "active duty veteran" means any veteran eligible for the benefits of this chapter other than a Reservist.

(B) The term "Reservist" means a veteran described in section 3701(b)(5)(A) of this title who is eligible under section 3702(a)(2)(E) of this title.

(C) The term "other obligor" means a person who is not a veteran, as defined in section 101 of this title or other provision of this chapter.

(D)(i) The term "initial loan" means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

(ii) If a veteran has obtained a loan guaranteed under section 3710 or made under section 3711 of this title and the dwelling securing such loan was substantially damaged or destroyed by a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary shall treat as an initial loan, as defined in clause (i), the next loan the Secretary guarantees or makes to such veteran under section 3710 or 3711, respectively, if—

(I) such loan is guaranteed or made before the date that is three years after the date on which the dwelling was substantially damaged or destroyed; and

(II) such loan is only for repairs or construction of the dwelling, as determined by the Secretary.

(E) The term "subsequent loan" means a loan to a veteran, other than an interest rate reduction refinancing loan, guaranteed under section 3710 or made under section 3711 of this title that is not an initial loan.

(F) The term "interest rate reduction refinancing loan" means a loan described in section 3710(a)(8), 3710(a)(9)(B)(i), 3710(a)(11), 3712(a)(1)(F), or 3762(h) of this title.

(G) The term "0-down" means a downpayment, if any, of less than 5 percent of the total purchase price or construction cost of the dwelling.

(H) The term "5-down" means a downpayment of at least 5 percent or more, but less than 10 percent, of the total purchase price or construction cost of the dwelling.

(I) The term "10-down" means a downpayment of 10 percent or more of the total purchase price or construction cost of the dwelling.

(c) WAIVER OF FEE.—(1) A fee may not be collected under this section from a veteran who is receiving compensation (or who, but for the receipt of retirement pay or active service pay, would be entitled to receive compensation), from a surviving spouse of any veteran (including a person who died in the active military, naval, air, or space service) who died from a service-connected disability, or from a member of the Armed Forces who is serving on active duty and who provides, on or before the date of loan closing, evidence of having been awarded the Purple Heart.

(2)(A) A veteran described in subparagraph (B) shall be treated as receiving compensation for purposes of this subsection as of the date of the rating described in such subparagraph without regard to whether an effective date of the award of compensation is established as of that date.

(B) A veteran described in this subparagraph is a veteran who is rated eligible to receive compensation—

- (i) as the result of a pre-discharge disability examination and rating; or
- (ii) based on a pre-discharge review of existing medical evidence (including service medical and treatment records) that results in the issuance of a memorandum rating.

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## **PART VI—ACQUISITION AND DISPOSITION OF PROPERTY**

\* \* \* \* \*

### **CHAPTER 81—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY; ENHANCED-USE LEASES OF REAL PROPERTY**

#### **SUBCHAPTER I—ACQUISITION AND OPERATION OF MEDICAL FACILITIES**

\* \* \* \* \*

##### **§ 8108. Contributions to local authorities**

The Secretary may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to a medical facility if considered necessary for safe ingress or egress, *or to mitigate the risk of flooding, including the risk of flooding associated with rising sea levels.*

\* \* \* \* \*

