

117TH CONGRESS  
1ST SESSION

# H. R. 5036

To amend titles 36 and 38, United States Code, to direct the Secretary of Veterans Affairs to carry out actions for certain surviving family members of veterans deceased as the result of suicide, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 2021

Mr. VAN DREW introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend titles 36 and 38, United States Code, to direct the Secretary of Veterans Affairs to carry out actions for certain surviving family members of veterans deceased as the result of suicide, 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. GREEN STAR FLAG FOR NEXT OF KIN OF VET-**  
2 **ERANS DECEASED AS RESULT OF SUICIDE.**

3 (a) GREEN STAR FLAG.—Chapter 9 of title 36,  
4 United States Code, is amended by adding at the end the  
5 following new section:

6 **“§ 904. Green Star Flag**

7 “(a) DESIGNATION.—The Secretary of Veterans Af-  
8 fairs shall design and designate a flag as the Green Star  
9 Flag to identify next of kin of covered veterans.

10 “(b) INDIVIDUALS ENTITLED TO DISPLAY GREEN  
11 STAR FLAG.—An individual who is next of kin of a cov-  
12 ered veteran may display the Green Star Flag.

13 “(c) LICENSE TO MANUFACTURE AND SELL.—Any  
14 person may apply to the Secretary for a license to manu-  
15 facture and sell the designated Green Star Flag. A person  
16 that manufactures a Green Star Flag without having first  
17 obtained a license or otherwise violates this section is lia-  
18 ble to the United States for a civil penalty of not more  
19 than \$1,000.

20 “(d) DEFINITIONS.—In this section:

21 “(1) The term ‘covered veteran’ means a vet-  
22 eran who died—

23 “(A) on or after September 11, 2001; and

24 “(B) as the result of suicide.

25 “(2) The term ‘next of kin’ includes—

1           “(A) a family member, as that term is de-  
2           fined in section 1720K of title 38; and

3           “(B) any individual specified by the Sec-  
4           retary in regulations prescribed pursuant to this  
5           section.”.

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

          “904. Green Star Flag.”.

9   **SEC. 2. COUNSELING PROGRAM FOR CERTAIN FAMILY**  
10                   **MEMBERS AND CAREGIVERS OF VETERANS**  
11                   **DECEASED AS A RESULT OF SUICIDE.**

12           (a) COUNSELING PROGRAM.—Subchapter II of chap-  
13           ter 17 of title 38, United States Code, is amended by add-  
14           ing at the end the following new section:

15   **“§ 1720K. Counseling program for certain family**  
16                   **members and caregivers of veterans de-**  
17                   **ceased as a result of suicide**

18           “(a) COUNSELING PROGRAM.—(1) Subject to para-  
19           graph (2), the Secretary shall furnish, at no cost to the  
20           recipient, counseling services to—

21                   “(A) the next of kin of covered veterans; and

22                   “(B) former volunteer caregivers of covered vet-  
23           erans.

1 “(2) The Secretary may provide counseling services  
2 under this section only if the Secretary determines such  
3 counseling services are—

4 “(A) reasonably accessible to the an individual  
5 described in paragraph (1); and

6 “(B) substantially equivalent or superior to  
7 similar services furnished by the Secretary to an in-  
8 dividual described in paragraph (1).

9 “(3) To carry out subsection (a), the Secretary may  
10 enter into an agreement with a Federal, State, or private  
11 entity. The Secretary may provide fair compensation to  
12 such entity pursuant to such agreement.

13 “(b) PUBLIC AWARENESS.—In carrying out the pro-  
14 gram under subsection (a), the Secretary shall—

15 “(1) publish information relating to the pro-  
16 gram on an internet website of the Department; and

17 “(2) provide information relating to the pro-  
18 gram to any individual described in paragraph (1).

19 “(c) DEFINITIONS.—In this section:

20 “(1) The terms ‘covered veteran’ and ‘next of  
21 kin’ has the meaning given that term in section 904  
22 of title 36.

23 “(2) The term ‘covered veterans service organi-  
24 zation’ includes—

1           “(A) an organization recognized by the  
2           Secretary for the representation of veterans  
3           under section 5902 of this title; and

4           “(B) an organization—

5                   “(i) that is described in section  
6                   501(c)(3) or 501(c)(19) of the Internal  
7                   Revenue Code of 1986 and is exempt from  
8                   taxation under section 501(a) of such  
9                   Code; and

10                   “(ii) that carries out activities relating  
11                   to veterans and their assistance.

12           “(3) The term ‘family member’ means, with re-  
13           spect to a covered veteran, an individual—

14                   “(A) who is a member of the family of the  
15                   veteran, including—

16                           “(i) a parent or legal guardian;

17                           “(ii) a spouse;

18                           “(iii) a child;

19                           “(iv) a step-family member; and

20                           “(v) an extended family member; or

21                   “(B) who, prior to the death of the covered  
22                   veteran, lived with the covered veteran.

23           “(4) The term ‘former volunteer caregiver’  
24           means, with respect to a covered veteran, an indi-  
25           vidual—

1           “(A) who is at least 18 years of age; and

2           “(B) who, prior to the death of the covered  
3 veteran, and in connection with a covered vet-  
4 erans service organization, furnished the cov-  
5 ered veteran with counseling, social work, or  
6 other personal care services—

7           “(i) without compensation to such in-  
8 dividual; and

9           “(ii) for a period of at least three  
10 months.

11           “(5) The term ‘personal care services’ has the  
12 meaning given that term in section 1720G of this  
13 title.”.

14           (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of subchapter II of chapter 17 of such  
16 title is amended by inserting, after the item relating to  
17 section 1720J, the following new item:

“1720K. Counseling program for certain family members and caregivers of vet-  
erans deceased as a result of suicide.”.

18           (c) COMMENCEMENT.—The Secretary of Veterans  
19 Affairs shall carry out section 1720K of such title, as  
20 added by subsection (a), by not later than 90 days after  
21 the date of the enactment of this Act.

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