

Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act [Jan. 2, 2013].”

SENSE OF CONGRESS

Pub. L. 110-110, §2, Nov. 5, 2007, 121 Stat. 1031, provided that: “It is the sense of Congress that—

“(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as ‘PTSD’) is a serious problem; and

“(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act [enacting this section and provisions set out as a note under section 101 of this title].”

§ 1720G. Assistance and support services for caregivers

(a) PROGRAM OF COMPREHENSIVE ASSISTANCE FOR FAMILY CAREGIVERS.—(1)(A) The Secretary shall establish a program of comprehensive assistance for family caregivers of eligible veterans.

(B) The Secretary shall only provide support under the program required by subparagraph (A) to a family caregiver of an eligible veteran if the Secretary determines it is in the best interest of the eligible veteran to do so.

(2) For purposes of this subsection, an eligible veteran is any individual who—

(A) is a veteran or member of the Armed Forces undergoing medical discharge from the Armed Forces;

(B) for assistance provided under this subsection—

(i) before the date on which the Secretary submits to Congress a certification that the Department has fully implemented the information technology system required by section 162(a) of the Caring for Our Veterans Act of 2018, has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, air, or space service on or after September 11, 2001;

(ii) during the 2-year period beginning on the date on which the Secretary submitted to Congress the certification described in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, air, or space service—

(I) on or before May 7, 1975; or

(II) on or after September 11, 2001; or

(iii) after the date that is 2 years after the date on which the Secretary submits to Congress the certification described in clause (i), has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, air, or space service; and

(C) is in need of personal care services because of—

(i) an inability to perform one or more activities of daily living;

(ii) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury;

(iii) a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired; or

(iv) such other matters as the Secretary considers appropriate.

(3)(A) As part of the program required by paragraph (1), the Secretary shall provide to family caregivers of eligible veterans the following assistance:

(i) To each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6)—

(I) such instruction, preparation, and training as the Secretary considers appropriate for the family caregiver to provide personal care services to the eligible veteran;

(II) ongoing technical support consisting of information and assistance to address, in a timely manner, the routine, emergency, and specialized caregiving needs of the family caregiver in providing personal care services to the eligible veteran;

(III) counseling; and

(IV) lodging and subsistence under section 111(e) of this title.

(ii) To each family caregiver who is designated as the primary provider of personal care services for an eligible veteran under paragraph (7)—

(I) the assistance described in clause (i);

(II) such mental health services as the Secretary determines appropriate;

(III) covered respite care of not less than 30 days annually;

(IV) medical care under section 1781 of this title;

(V) a monthly personal caregiver stipend; and

(VI) through the use of contracts with, or the provision of grants to, public or private entities—

(aa) financial planning services relating to the needs of injured veterans and their caregivers; and

(bb) legal services, including legal advice and consultation, relating to the needs of injured veterans and their caregivers.

(B)(i) The amount of the monthly personal caregiver stipend provided under subparagraph (A)(ii)(V) shall be determined in accordance with a schedule established by the Secretary that specifies stipends based upon the amount and degree of personal care services provided.

(ii) The Secretary shall ensure, to the extent practicable, that the schedule required by clause (i) specifies that the amount of the monthly personal caregiver stipend provided to a primary provider of personal care services for the provision of personal care services to an eligible veteran is not less than the monthly amount a commercial home health care entity would pay an individual in the geographic area of the eligible veteran to provide equivalent personal care services to the eligible veteran.

(iii) In determining the amount and degree of personal care services provided under clause (i) with respect to an eligible veteran whose need for personal care services is based in whole or in part on a need for supervision or protection under paragraph (2)(C)(ii) or regular instruction or supervision under paragraph (2)(C)(iii), the Secretary shall take into account the following:

(I) The assessment by the family caregiver of the needs and limitations of the veteran.

(II) The extent to which the veteran can function safely and independently in the absence of such supervision, protection, or instruction.

(III) The amount of time required for the family caregiver to provide such supervision, protection, or instruction to the veteran.

(iv) If personal care services are not available from a commercial home health entity in the geographic area of an eligible veteran, the amount of the monthly personal caregiver stipend payable under the schedule required by clause (i) with respect to the eligible veteran shall be determined by taking into consideration the costs of commercial providers of personal care services in providing personal care services in geographic areas other than the geographic area of the eligible veteran with similar costs of living.

(C) In providing instruction, preparation, and training under subparagraph (A)(i)(I) and technical support under subparagraph (A)(i)(II) to each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6), the Secretary shall periodically evaluate the needs of the eligible veteran and the skills of the family caregiver of such veteran to determine if additional instruction, preparation, training, or technical support under those subparagraphs is necessary.

(4) An eligible veteran and a family member of the eligible veteran seeking to participate in the program required by paragraph (1) shall jointly submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(5) For each application submitted jointly by an eligible veteran and family member, the Secretary shall evaluate (in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)—

(A) the eligible veteran—

(i) to identify the personal care services required by the eligible veteran; and

(ii) to determine whether such requirements could be significantly or substantially satisfied through the provision of personal care services from a family member; and

(B) the family member to determine the amount of instruction, preparation, and training, if any, the family member requires to provide the personal care services required by the eligible veteran—

(i) as a provider of personal care services for the eligible veteran; and

(ii) as the primary provider of personal care services for the eligible veteran.

(6)(A) The Secretary shall provide each family member of an eligible veteran who makes a joint application under paragraph (4) the instruction,

preparation, and training determined to be required by such family member under paragraph (5)(B).

(B) Upon the successful completion by a family member of an eligible veteran of instruction, preparation, and training under subparagraph (A), the Secretary shall approve the family member as a provider of personal care services for the eligible veteran.

(C) The Secretary shall, subject to regulations the Secretary shall prescribe, provide for necessary travel, lodging, and per diem expenses incurred by a family member of an eligible veteran in undergoing instruction, preparation, and training under subparagraph (A).

(D) If the participation of a family member of an eligible veteran in instruction, preparation, and training under subparagraph (A) would interfere with the provision of personal care services to the eligible veteran, the Secretary shall, subject to regulations as the Secretary shall prescribe and in consultation with the veteran, provide respite care to the eligible veteran during the provision of such instruction, preparation, and training to the family member so that the family member can participate in such instruction, preparation, and training without interfering with the provision of such services to the eligible veteran.

(7)(A) For each eligible veteran with at least one family member who is described by subparagraph (B), the Secretary shall designate one family member of such eligible veteran as the primary provider of personal care services for such eligible veteran.

(B) A primary provider of personal care services designated for an eligible veteran under subparagraph (A) shall be selected from among family members of the eligible veteran who—

(i) are approved under paragraph (6) as a provider of personal care services for the eligible veteran;

(ii) elect to provide the personal care services to the eligible veteran that the Secretary determines the eligible veteran requires under paragraph (5)(A)(i);

(iii) have the consent of the eligible veteran to be the primary provider of personal care services for the eligible veteran; and

(iv) are considered by the Secretary as competent to be the primary provider of personal care services for the eligible veteran.

(C) An eligible veteran receiving personal care services from a family member designated as the primary provider of personal care services for the eligible veteran under subparagraph (A) may, in accordance with procedures the Secretary shall establish for such purposes, revoke consent with respect to such family member under subparagraph (B)(iii).

(D) If a family member designated as the primary provider of personal care services for an eligible veteran under subparagraph (A) subsequently fails to meet any requirement set forth in subparagraph (B), the Secretary—

(i) shall immediately revoke the family member's designation under subparagraph (A); and

(ii) may designate, in consultation with the eligible veteran, a new primary provider of personal care services for the eligible veteran under such subparagraph.

(E) The Secretary shall take such actions as may be necessary to ensure that the revocation of a designation under subparagraph (A) with respect to an eligible veteran does not interfere with the provision of personal care services required by the eligible veteran.

(8) If an eligible veteran lacks the capacity to make a decision under this subsection, the Secretary may, in accordance with regulations and policies of the Department regarding appointment of guardians or the use of powers of attorney, appoint a surrogate for the eligible veteran who may make decisions and take action under this subsection on behalf of the eligible veteran.

(9)(A) The Secretary shall monitor the well-being of each eligible veteran receiving personal care services under the program required by paragraph (1).

(B) The Secretary shall document each finding the Secretary considers pertinent to the appropriate delivery of personal care services to an eligible veteran under the program.

(C) The Secretary shall establish procedures to ensure appropriate follow-up regarding findings described in subparagraph (B). Such procedures may include the following:

(i) Visiting an eligible veteran in the eligible veteran's home to review directly the quality of personal care services provided to the eligible veteran.

(ii) Taking such corrective action with respect to the findings of any review of the quality of personal care services provided an eligible veteran as the Secretary considers appropriate, which may include—

(I) providing additional training to a family caregiver; and

(II) suspending or revoking the approval of a family caregiver under paragraph (6) or the designation of a family caregiver under paragraph (7).

(10) The Secretary shall carry out outreach to inform eligible veterans and family members of eligible veterans of the program required by paragraph (1) and the benefits of participating in the program.

(11)(A) In providing assistance under this subsection to family caregivers of eligible veterans, the Secretary may enter into contracts, provider agreements, and memoranda of understanding with Federal agencies, States, and private, nonprofit, and other entities to provide such assistance to such family caregivers.

(B) The Secretary may provide assistance under this paragraph only if such assistance is reasonably accessible to the family caregiver and is substantially equivalent or better in quality to similar services provided by the Department.

(C) The Secretary may provide fair compensation to Federal agencies, States, and other entities that provide assistance under this paragraph.

(12)(A) The Secretary shall notify the individuals described in subparagraph (C) regarding decisions affecting the furnishing of assistance under this subsection using standardized letters, as the Secretary determines such notifications and letters to be appropriate, which shall include all criteria used to determine eligibility for such assistance and, in the case of a com-

pleted evaluation, how such criteria were used to evaluate information provided in assessments to determine such eligibility.

(B) A notification provided under subparagraph (A) shall include the elements required for notices of decisions under section 5104(b) of this title to the extent that those elements apply to such notification, unless, not later than 60 days after the date of the enactment of the Transparency and Effective Accountability Measures for Veteran Caregivers Act, the Secretary determines that it would not be feasible to include such elements in such notifications and submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the reasons for such determination.

(C) The individuals described in this subparagraph shall include—

(i) an individual who—

(I) submits an application for the program established under paragraph (1); or

(II) is being reassessed for eligibility to continue in such program.

(ii) an individual determined by the Secretary to be an eligible veteran pursuant to such an application; and

(iii) a family caregiver of an eligible veteran who is—

(I) approved as a provider of personal care services under paragraph (6)(B); or

(II) designated as a primary provider of personal care services under paragraph (7)(A).

(13)(A) If the Secretary determines that a veteran receiving services under the program established under paragraph (1) is no longer eligible for such program solely because of improvement in the condition of the veteran—

(i) the effective date of discharge of the veteran from the program shall be not earlier than the date that is 60 days after the date on which the Secretary provides notice of such lack of eligibility under paragraph (12)(A) to the relevant individuals described in paragraph (12)(C); and

(ii) the Secretary shall extend benefits under the program established under paragraph (1) for a family caregiver of the veteran described in paragraph (12)(C)(iii), including stipends under paragraph (3)(A)(ii)(V), if such an extension is determined appropriate by the Secretary, for a 90-day period following discharge of the veteran from the program.

(B) This paragraph shall not be construed to limit the authority of the Secretary—

(i) to prescribe regulations addressing other bases for—

(I) the discharge of a veteran from the program established under paragraph (1); or

(II) the revocation of the designation of a family caregiver of a veteran as a primary provider of personal care services under paragraph (7)(A); or

(ii) to provide advance notice and extended benefits under the program, as appropriate, if another basis for discharge of a veteran described in subclause (I) of clause (i) or revocation of a designation described in subclause (II) of such clause applies.

(14)(A) In the case of a veteran or caregiver who seeks services under this subsection and is denied such services, or a veteran or the family caregiver of a veteran who is discharged from the program under this subsection, the Secretary shall—

(i) if the veteran meets the requirements of a covered veteran under subsection (b), provide to such caregiver the option of enrolling in the program of general caregiver support services under such subsection;

(ii) assess the veteran or caregiver for participation in any other available program of the Department for home- and community-based services (including the programs specified in section 1720L of this title) for which the veteran or caregiver may be eligible and, with respect to the veteran, store (and make accessible to the veteran) the results of such assessment in the electronic medical record of the veteran; and

(iii) provide to the veteran or caregiver written information on any such program identified pursuant to the assessment under clause (ii), including information about facilities, eligibility requirements, and relevant contact information for each such program.

(B) The Secretary shall, to the extent practicable, provide to a veteran or family caregiver the option of obtaining clinically appropriate services under any other available program of the Department for home- and community-based services (including the programs specified in section 1720L of this title) for which the veteran or family caregiver may be eligible prior to discharging the veteran or family caregiver from the program under this subsection.

(C) For each veteran or family caregiver who is discharged from the program under this subsection, a caregiver support coordinator shall provide for a smooth and personalized transition from such program to an appropriate program of the Department for home- and community-based services (including the programs specified in section 1720L of this title), including by integrating caregiver support across programs.

(15)(A) Not less frequently than annually, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a comprehensive report on the program required by paragraph (1) that includes, with respect to the one-year period preceding the date of the submission of such report, the following:

(i) The number of applications received for such program.

(ii) The number, disaggregated by race, sex, and era and branch of service in the Armed Forces of the applicant, of—

- (I) approvals of such applications; and
- (II) denials of such applications.

(iii) The number of reassessments conducted for such program.

(iv) An identification of each decision made with respect to a reassessment conducted for such program, disaggregated by decisions resulting in—

- (I) disenrollment, including removal, discharge, or voluntary withdrawal;
- (II) tier reduction; and

(III) tier continuation.

(v) The number of appeals of decisions made with respect to such program, disaggregated by type of appeal.

(vi) With respect to each appeal described in clause (v), the decision rendered, if any.

(vii) A description of all tools used in assessments conducted for such program, including an explanation of how and by whom such tools are administered.

(viii) A description of procedures used under such program for reviewing and integrating clinical records from health care providers that includes an explanation of how such records are used in determinations of eligibility for such program.

(ix) A description of procedures available under such program for health care providers to communicate medical opinions to the teams conducting assessments to determine eligibility for such program, including health care providers in the private sector and health care providers specified in subsection (c) of section 1703 of this title.

(x) A description of information technology systems and processes used under such program to upload and integrate all clinical records from all non-Department providers, including providers in the private sector and providers under the Veterans Community Care Program established under such section.

(B) The Secretary shall ensure that all data included in a report under subparagraph (A)—

(i) relating to a decision made under the program required by paragraph (1), are disaggregated by the specific reason for the decision;

(ii) relating to a veteran, include comprehensive demographic information of the veteran, including the time period of the injuries, if any, of the veteran and the Veterans Integrated Service Network in which the veteran is located; and

(iii) with respect to eligibility determinations relating to a serious injury of a veteran, specify—

(I) how many such determinations relate to the ability of the veteran to perform activities of daily living; and

(II) how many such determinations relate to the need of a veteran for supervision and protection.

(C) The Secretary shall provide the data under paragraph (B) pursuant to Federal laws and in a manner that is wholly consistent with applicable Federal privacy and confidentiality laws, including the Privacy Act (5 U.S.C. 552a), the Health Insurance Portability and Accountability Act (Public Law 104-191; 42 U.S.C. 201 note) and regulations (title 45, Code of Federal Regulations, parts 160 and 164, or successor regulations), and sections 5701, 5705, and 7332 of this title to ensure that the provided data, or some portion of the data, will not undermine the anonymity of a veteran.

(b) PROGRAM OF GENERAL CAREGIVER SUPPORT SERVICES.—(1) The Secretary shall establish a program of support services for caregivers of covered veterans who are enrolled in the health care system established under section 1705(a) of

this title (including caregivers who do not reside with such veterans).

(2) For purposes of this subsection, a covered veteran is any individual who needs personal care services because of—

(A) an inability to perform one or more activities of daily living;

(B) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury; or

(C) such other matters as the Secretary shall specify.

(3)(A) The support services furnished to caregivers of covered veterans under the program required by paragraph (1) shall include the following:

(i) Services regarding the administering of personal care services, which, subject to subparagraph (B), shall include—

(I) educational sessions made available both in person and on an Internet website;

(II) use of telehealth and other available technologies; and

(III) teaching techniques, strategies, and skills for caring for a disabled veteran;

(ii) Counseling and other services under section 1782 of this title.

(iii) Covered respite care of not less than 30 days annually.

(iv) Information concerning the supportive services available to caregivers under this subsection and other public, private, and non-profit agencies that offer support to caregivers.

(B) If the Secretary certifies to the Committees on Veterans' Affairs of the Senate and the House of Representatives that funding available for a fiscal year is insufficient to fund the provision of services specified in one or more subclauses of subparagraph (A)(i), the Secretary shall not be required under subparagraph (A) to provide the services so specified in the certification during the period beginning on the date that is 180 days after the date the certification is received by the Committees and ending on the last day of the fiscal year.

(4) In providing information under paragraph (3)(A)(iv), the Secretary shall collaborate with the Assistant Secretary for Aging of the Department of Health and Human Services in order to provide caregivers access to aging and disability resource centers under the Administration on Aging of the Department of Health and Human Services.

(5) In carrying out the program required by paragraph (1), the Secretary shall conduct outreach to inform covered veterans and caregivers of covered veterans about the program. The outreach shall include an emphasis on covered veterans and caregivers of covered veterans living in rural areas.

(c) CONSTRUCTION.—(1) A decision by the Secretary under this section affecting the furnishing of assistance or support shall be considered a medical determination.

(2) Nothing in this section shall be construed to create—

(A) an employment relationship between the Secretary and an individual in receipt of assistance or support under this section; or

(B) any entitlement to any assistance or support provided under this section.

(d) DEFINITIONS.—In this section:

(1) The term “caregiver”, with respect to an eligible veteran under subsection (a), a veteran denied or discharged as specified in paragraph (14) of such subsection, or a covered veteran under subsection (b), means an individual who provides personal care services to the veteran.

(2) The term “covered respite care” means, with respect to a caregiver of a veteran, respite care under section 1720B of this title that—

(A) is medically and age appropriate for the veteran (including 24-hour per day care of the veteran commensurate with the care provided by the caregiver); and

(B) includes in-home care.

(3) The term “family caregiver”, with respect to an eligible veteran under subsection (a) or a veteran denied or discharged as specified in paragraph (14) of such subsection, means a family member who is a caregiver of the veteran.

(4) The term “family member”, with respect to an eligible veteran under subsection (a) or a veteran denied or discharged as specified in paragraph (14) of such subsection, means an individual who—

(A) is a member of the family of the veteran, including—

(i) a parent;

(ii) a spouse;

(iii) a child;

(iv) a step-family member; and

(v) an extended family member; or

(B) lives with the veteran but is not a member of the family of the veteran.

(5) The term “personal care services”, with respect to an eligible veteran under subsection (a), a veteran denied or discharged as specified in paragraph (14) of such subsection, or a covered veteran under subsection (b), means services that provide the veteran the following:

(A) Assistance with one or more activities of daily living.

(B) Supervision or protection based on symptoms or residuals of neurological or other impairment or injury.

(C) Regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired.

(D) Any other non-institutional extended care (as such term is used in section 1701(6)(E) of this title).

(Added Pub. L. 111-163, title I, §101(a)(1), May 5, 2010, 124 Stat. 1132; amended Pub. L. 114-58, title I, §103, title VI, §601(6), Sept. 30, 2015, 129 Stat. 532, 538; Pub. L. 114-228, title I, §103, Sept. 29, 2016, 130 Stat. 937; Pub. L. 115-62, title I, §103, Sept. 29, 2017, 131 Stat. 1161; Pub. L. 115-182, title I, §161(a)(1)(A), (2)-(b), June 6, 2018, 132 Stat. 1438-1440; Pub. L. 115-251, title I, §103, Sept. 29, 2018, 132 Stat. 3168; Pub. L. 116-278, §2(b), Dec. 31, 2020, 134 Stat. 3374; Pub. L. 116-283, div. A, title IX, §926(a)(28), Jan. 1, 2021, 134 Stat. 3830; Pub. L. 118-210, title I, §§124(a)(1), (3), (b), 125, Jan. 2, 2025, 138 Stat. 2730, 2731.)

APPLICABILITY OF AMENDMENT

Subsec. (a)(14) of this section, as added by section 124(a)(1) of Pub. L. 118-210, applicable with respect to denials and discharges occurring on or after the date that is 180 days after Jan. 2, 2025. See 2025 Amendment note below.

Editorial Notes

REFERENCES IN TEXT

Section 162(a) of the Caring for Our Veterans Act of 2018, referred to in subsec. (a)(2)(B)(i), is section 162(a) of Pub. L. 115-182, June 6, 2018, 132 Stat. 1440, which is set out as a note under this section.

The date of the enactment of the Transparency and Effective Accountability Measures for Veteran Caregivers Act, referred to in subsec. (a)(12)(B), is the date of enactment of Pub. L. 116-278, which was approved Dec. 31, 2020.

The Health Insurance Portability and Accountability Act, referred to in subsec. (a)(15)(C), probably means the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, Aug. 21, 1996, 110 Stat. 1936. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42, The Public Health and Welfare, and Tables.

AMENDMENTS

2025—Subsec. (a)(3)(A)(ii)(III). Pub. L. 118-210, § 124(b)(1)(A), amended subcl. (III) generally. Prior to amendment, subcl. (III) read as follows: “respite care of not less than 30 days annually, including 24-hour per day care of the veteran commensurate with the care provided by the family caregiver to permit extended respite;”.

Subsec. (a)(3)(B) to (D). Pub. L. 118-210, § 124(b)(1)(B), redesignated subpars. (C) and (D) as (B) and (C), respectively, and struck out former subpar. (B) which read as follows: “Respite care provided under subparagraph (A)(ii)(III) shall be medically and age-appropriate and include in-home care.”

Subsec. (a)(12)(A). Pub. L. 118-210, § 125(1)(A), inserted “, which shall include all criteria used to determine eligibility for such assistance and, in the case of a completed evaluation, how such criteria were used to evaluate information provided in assessments to determine such eligibility” before period at end.

Subsec. (a)(12)(C)(i). Pub. L. 118-210, § 125(1)(B), substituted “who—” for “who”, designated remainder of existing provisions as subcl. (I), and added subcl. (II).

Subsec. (a)(14). Pub. L. 118-210, § 124(a)(1), added par. (14).

Subsec. (a)(15). Pub. L. 118-210, § 125(2), added par. (15).
Subsec. (b)(3)(A)(iii). Pub. L. 118-210, § 124(b)(2), amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: “Respite care under section 1720B of this title that is medically and age appropriate for the veteran (including 24-hour per day in-home care).”

Subsec. (d)(1). Pub. L. 118-210, § 124(a)(3)(A), substituted “, a veteran denied or discharged as specified in paragraph (14) of such subsection, or a covered veteran” for “or a covered veteran”.

Subsec. (d)(2). Pub. L. 118-210, § 124(b)(3), added par. (2). Former par. (2) redesignated (3).

Pub. L. 118-210, § 124(a)(3)(B), substituted “under subsection (a) or a veteran denied or discharged as specified in paragraph (14) of such subsection, means” for “under subsection (a), means”.

Subsec. (d)(3). Pub. L. 118-210, § 124(b)(3), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Pub. L. 118-210, § 124(a)(3)(B), substituted “under subsection (a) or a veteran denied or discharged as specified in paragraph (14) of such subsection, means” for “under subsection (a), means” in introductory provisions.

Subsec. (d)(4). Pub. L. 118-210, § 124(b)(3), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Pub. L. 118-210, § 124(a)(3)(A), substituted “, a veteran denied or discharged as specified in paragraph (14) of

such subsection, or a covered veteran” for “or a covered veteran”.

Subsec. (d)(5). Pub. L. 118-210, § 124(b)(3), redesignated par. (4) as (5).

2021—Subsec. (a)(2)(B). Pub. L. 116-283 substituted “air, or space service” for “or air service” wherever appearing.

2020—Subsec. (a)(12), (13). Pub. L. 116-278 added pars. (12) and (13).

2018—Subsec. (a)(2)(B). Pub. L. 115-182, § 161(a)(1)(A), amended subpar. (B) generally. Prior to amendment, text read as follows: “has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001; and”.

Subsec. (a)(2)(C)(iii), (iv). Pub. L. 115-182, § 161(a)(2), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (a)(3)(A)(ii)(VI). Pub. L. 115-182, § 161(a)(3), added subcl. (VI).

Subsec. (a)(3)(C)(iii), (iv). Pub. L. 115-182, § 161(a)(4), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (a)(3)(D). Pub. L. 115-182, § 161(a)(5), added subpar. (D).

Subsec. (a)(5). Pub. L. 115-182, § 161(a)(6), inserted “(in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)” after “evaluate” in introductory provisions.

Subsec. (a)(11). Pub. L. 115-182, § 161(a)(7), added par. (11).

Subsec. (d)(4)(A). Pub. L. 115-182, § 161(b)(1), struck out “independent” before “activities of daily living”.

Subsec. (d)(4)(B) to (D). Pub. L. 115-182, § 161(b)(2), (3), added subpars. (B) and (C) and redesignated former subpar. (B) as (D).

Subsec. (e). Pub. L. 115-251 struck out subsec. (e) which authorized appropriations from fiscal years 2010 to 2019.

2017—Subsec. (e)(5). Pub. L. 115-62 added par. (5).

2016—Subsec. (e)(4). Pub. L. 114-228 added par. (4).

2015—Subsec. (a)(7)(B)(iii). Pub. L. 114-58, § 601(6), substituted “have” for “has”.

Subsec. (e)(3). Pub. L. 114-58, § 103, added par. (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2025 AMENDMENT

Pub. L. 118-210, title I, § 124(a)(2), Jan. 2, 2025, 138 Stat. 2731, provided that: “The amendments made by paragraph (1) [amending this section] shall apply with respect to denials and discharges occurring on or after the date that is 180 days after the date of the enactment of this Act [Jan. 2, 2025].”

EFFECTIVE DATE

Pub. L. 111-163, title I, § 101(a)(3), May 5, 2010, 124 Stat. 1137, provided that:

“(A) IN GENERAL.—The amendments made by this subsection [enacting this section] shall take effect on the date that is 270 days after the date of the enactment of this Act [May 5, 2010].

“(B) IMPLEMENTATION.—The Secretary of Veterans Affairs shall commence the programs required by subsections (a) and (b) of section 1720G of title 38, United States Code, as added by paragraph (1) of this subsection, on the date on which the amendments made by this subsection take effect.”

RECOGNITION OF ORGANIZATIONS AND INDIVIDUALS TO ASSIST VETERANS, FAMILY MEMBERS, AND CAREGIVERS NAVIGATING PROGRAMS AND SERVICES OF VETERANS HEALTH ADMINISTRATION

Pub. L. 118-210, title I, § 129, Jan. 2, 2025, 138 Stat. 2738, provided that:

“(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Jan. 2, 2025], the Secretary of Veterans Affairs shall establish a process through which the Department of Veterans Affairs may recognize organizations and individuals to assist a vet-

eran, a family member of a veteran, or a caregiver of a veteran (as defined in section 1720G(d) of title 38, United States Code) in navigating the programs and services of the Veterans Health Administration.

“(b) SOLICITATION OF FEEDBACK.—The Secretary shall solicit feedback and recommendations in the creation of the process under subsection (a) from such organizations as the Secretary may consider relevant.

“(c) LIMITATION.—The Secretary may not recognize an organization or individual pursuant to the process established under subsection (a) unless the organization or individual has certified to the Secretary that no fee or compensation of any nature will be charged to any individual for services rendered in providing assistance pursuant to such subsection.”

[For definition of “caregiver” as used in section 129 of Pub. L. 118-210, set out above, see section 133 of Pub. L. 118-210, set out as a note under section 1720L of this title.]

MODIFICATION OF ADMINISTRATION OF CAREGIVER PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 116-278, §2(a), Dec. 31, 2020, 134 Stat. 3373, provided that:

“(a) FORMAL RECOGNITION OF CAREGIVERS.—

“(1) REPORT.—

“(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act [Dec. 31, 2020], the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report regarding the feasibility and advisability of formally recognizing all caregivers of veterans by identifying any caregiver of a veteran in the electronic health record of the veteran.

“(B) CAREGIVERS RECOGNIZED.—The recognition of caregivers described in subparagraph (A) shall include recognition of—

“(i) any family caregiver who is approved as a provider of personal care services for an eligible veteran under the program of comprehensive assistance for family caregivers under subsection (a) of section 1720G of title 38, United States Code; and

“(ii) any caregiver of a covered veteran participating in the program of general caregiver support services under subsection (b) of such section.

“(C) TIMELINE.—If the Secretary determines that formally recognizing all caregivers of veterans as described in subparagraph (A) is feasible and advisable, the report required by such subparagraph shall include a timeline for implementing such recognition.

“(2) IMPLEMENTATION.—If the Secretary determines that formally recognizing all caregivers of veterans as described in paragraph (1)(A) is feasible and advisable, the Secretary shall implement such recognition in accordance with the timeline included in the report required by such paragraph.”

EDUCATION PROGRAM FOR FAMILY MEMBERS AND CAREGIVERS OF VETERANS WITH MENTAL HEALTH DISORDERS

Pub. L. 116-214, title II, §202, Dec. 5, 2020, 134 Stat. 1033, provided that:

“(a) ESTABLISHMENT.—Not later than 270 days after the date of the enactment of this Act [Dec. 5, 2020], the Secretary of Veterans Affairs shall establish an education program (in this section referred to as the ‘education program’) for the education and training of caregivers and family members of eligible veterans with mental health disorders.

“(b) EDUCATION PROGRAM.—

“(1) IN GENERAL.—Under the education program, the Secretary shall provide a course of education to caregivers and family members of eligible veterans on matters relating to coping with mental health disorders in veterans.

“(2) DURATION.—The Secretary shall carry out the education program during the four-year period begin-

ning on the date of the commencement of the education program.

“(3) SCOPE.—

“(A) CAREGIVERS.—The Secretary, with respect to the component of the education program that relates to the education and training of caregivers, shall—

“(i) include such component in the training provided pursuant to the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs established under section 1720G(a) of title 38, United States Code; and

“(ii) make such component available on the Internet website of the Department that relates to caregiver training.

“(B) FAMILY MEMBERS.—The Secretary shall carry out the component of the education program that relates to the education and training of non-caregiver family members at facilities of the Department as follows:

“(i) Not less than five medical centers of the Department.

“(ii) Not less than five clinics of the Department.

“(iii) Not less than five Vet Centers (as defined in section 1712A(h) of title 38, United States Code).

“(C) SOLICITATION OF APPLICATIONS.—In selecting locations pursuant to subparagraph (B), the Secretary shall solicit applications from eligible facilities of the Department that are interested in carrying out the education program.

“(D) CONSIDERATIONS.—In selecting locations pursuant to subparagraph (B), the Secretary shall consider the feasibility and advisability of selecting locations in the following areas:

“(i) Rural areas.

“(ii) Areas that are not in close proximity to an active duty installation.

“(iii) Areas in different geographic locations.

“(4) CONTRACTS.—

“(A) IN GENERAL.—In carrying out the education program, the Secretary shall enter into contracts with qualified entities described in subparagraph (B) to offer the course of education described in paragraph (5) to family members and caregivers of eligible veterans and covered veterans.

“(B) QUALIFIED ENTITY DESCRIBED.—A qualified entity described in this subparagraph is a non-profit entity with experience in mental health education and outreach, including work with children, teens, and young adults, that—

“(i) uses high quality, relevant, and age-appropriate information in educational programming, materials, and coursework, including such programming, materials, and coursework for children, teens, and young adults; and

“(ii) works with agencies, departments, non-profit mental health organizations, early childhood educators, and mental health providers to develop educational programming, materials, and coursework.

“(C) PRIORITY.—In entering into contracts under this paragraph, the Secretary shall give priority to qualified entities that have demonstrated cultural competence in serving military and veteran populations, and, to the extent practicable, use internet technology for the delivery of course content in an effort to expand the availability of support services, especially in rural areas.

“(5) COURSE OF EDUCATION DESCRIBED.—The course of education described in this paragraph shall consist of curriculum that includes the following:

“(A) General education on different mental health disorders, including information to improve understanding of the experiences of individuals suffering from such disorders.

“(B) Techniques for handling crisis situations and administering mental health first aid to individuals suffering from a mental health disorder.

“(C) Techniques for coping with the stress of living with an individual suffering from a mental health disorder.

“(D) Information on additional services available for family members and caregivers through the Department or community organizations and providers related to mental health disorders.

“(E) Such other matters as the Secretary considers appropriate.

“(c) SURVEYS.—

“(1) IN GENERAL.—The Secretary shall conduct a comprehensive survey of the satisfaction of individuals that have participated in the course of education described in subsection (b)(5). Such survey shall include a solicitation of feedback on the following:

“(A) The general satisfaction of those individuals with the education and assistance provided under the education program.

“(B) The perceived effectiveness of the education program in providing education and assistance that is useful for those individuals.

“(C) The applicability of the education program to the issues faced by those individuals.

“(D) Such other matters as the Secretary considers appropriate.

“(2) COMPILATION OF INFORMATION.—The information compiled as a result of the surveys conducted under paragraph (1) shall be—

“(A) disaggregated by facility type at which the education program was carried out; and

“(B) included in the annual reports under subsection (d)(1).

“(d) REPORTS.—

“(1) ANNUAL REPORTS.—

“(A) IN GENERAL.—Not later than one year after the date of the commencement of the education program and not later than September 30 each year thereafter until 2024, the Secretary 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—

“(i) the education program; and

“(ii) the feasibility and advisability of expanding the education program to include the establishment of a peer support program composed of individuals who complete the education program (in this section referred to as a ‘peer support program’).

“(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include the following:

“(i) The number of individuals that participated in the course of education described in subsection (b)(5) during the year preceding the submission of the report.

“(ii) A detailed analysis of the surveys conducted under subsection (c) with respect to the individuals described in clause (i).

“(iii) Any plans for expansion of the education program.

“(iv) An analysis of the feasibility and advisability of establishing a peer support program.

“(v) The interim findings and conclusions of the Secretary with respect to the success of the education program and the feasibility and advisability of establishing a peer support program.

“(2) FINAL REPORT.—

“(A) IN GENERAL.—Not later than one year after the completion of the education program, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a final report on the feasibility and advisability of continuing the education program.

“(B) ELEMENTS.—The final report under subparagraph (A) shall include the following:

“(i) A detailed analysis of the surveys conducted under subsection (c).

“(ii) An analysis of the feasibility and advisability of continuing the education program without entering into contracts for the course of education described in subsection (b)(5).

“(iii) An analysis of the feasibility and advisability of expanding the education program.

“(iv) An analysis of the feasibility and advisability of establishing a peer support program.

“(e) MONITORING OF PROGRAM.—The Secretary shall select mental health care providers of the Department to monitor the progress of the instruction provided under the education program.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘eligible veteran’ means a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code.

“(2) The terms ‘caregiver’ and ‘family member’ have the meaning given those terms in section 1720G(d) of title 38, United States Code.”

PUBLICATION IN FEDERAL REGISTER

Pub. L. 115–182, title I, §161(a)(1)(B), June 6, 2018, 132 Stat. 1439, as amended by Pub. L. 115–251, title II, §211(b)(5), Sept. 29, 2018, 132 Stat. 3176, provided that:

“Not later than 30 days after the date on which the Secretary of Veterans Affairs submits to Congress the certification described in subsection (a)(2)(B)(i) of section 1720G of title 38, United States Code, as amended by subparagraph (A) of this paragraph, the Secretary shall publish the date specified in such subsection in the Federal Register.”

IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS TO ASSESS AND IMPROVE THE FAMILY CAREGIVER PROGRAM

Pub. L. 115–182, title I, §162, June 6, 2018, 132 Stat. 1440, provided that:

“(a) IMPLEMENTATION OF NEW SYSTEM.—

“(1) IN GENERAL.—Not later than October 1, 2018, the Secretary of Veterans Affairs shall implement an information technology system that fully supports the Program and allows for data assessment and comprehensive monitoring of the Program.

“(2) ELEMENTS OF SYSTEM.—The information technology system required to be implemented under paragraph (1) shall include the following:

“(A) The ability to easily retrieve data that will allow all aspects of the Program (at the medical center and aggregate levels) and the workload trends for the Program to be assessed and comprehensively monitored.

“(B) The ability to manage data with respect to a number of caregivers that is more than the number of caregivers that the Secretary expects to apply for the Program.

“(C) The ability to integrate the system with other relevant information technology systems of the Veterans Health Administration.

“(b) ASSESSMENT OF PROGRAM.—Not later than 180 days after implementing the system described in subsection (a), the Secretary shall, through the Under Secretary for Health, use data from the system and other relevant data to conduct an assessment of how key aspects of the Program are structured and carried out.

“(c) ONGOING MONITORING OF AND MODIFICATIONS TO PROGRAM.—

“(1) MONITORING.—The Secretary shall use the system implemented under subsection (a) to monitor and assess the workload of the Program, including monitoring and assessment of data on—

“(A) the status of applications, appeals, and home visits in connection with the Program; and

“(B) the use by caregivers participating in the Program of other support services under the Program such as respite care.

“(2) MODIFICATIONS.—Based on the monitoring and assessment conducted under paragraph (1), the Secretary shall identify and implement such modifications to the Program as the Secretary considers necessary to ensure the Program is functioning as intended and providing veterans and caregivers participating in the Program with services in a timely manner.

“(d) REPORTS.—

“(1) INITIAL REPORT.—

“(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [June 6, 2018], the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General of the United States a report that includes—

“(i) the status of the planning, development, and deployment of the system required to be implemented under subsection (a), including any changes in the timeline for the implementation of the system; and

“(ii) an assessment of the needs of family caregivers of veterans described in subparagraph (B), the resources needed for the inclusion of such family caregivers in the Program, and such changes to the Program as the Secretary considers necessary to ensure the successful expansion of the Program to include such family caregivers.

“(B) VETERANS DESCRIBED.—Veterans described in this subparagraph are veterans who are eligible for the Program under clause (ii) or (iii) of section 1720G(a)(2)(B) of title 38, United States Code, as amended by section 161(a)(1) of this title, solely due to a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service before September 11, 2001.

“(2) NOTIFICATION BY COMPTROLLER GENERAL.—The Comptroller General shall review the report submitted under paragraph (1) and notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives with respect to the progress of the Secretary in—

“(A) fully implementing the system required under subsection (a); and

“(B) implementing a process for using such system to monitor and assess the Program under subsection (c)(1) and modify the Program as considered necessary under subsection (c)(2).

“(3) FINAL REPORT.—

“(A) IN GENERAL.—Not later than October 1, 2019, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the implementation of subsections (a) through (c).

“(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

“(i) A certification by the Secretary that the information technology system described in subsection (a) has been implemented.

“(ii) A description of how the Secretary has implemented such system.

“(iii) A description of the modifications to the Program, if any, that were identified and implemented under subsection (c)(2).

“(iv) A description of how the Secretary is using such system to monitor the workload of the Program.

“(e) DEFINITIONS.—In this section:

“(1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The term ‘active military, naval, or air service’ has the meaning given that term in section 101 of title 38, United States Code.

“(2) PROGRAM.—The term ‘Program’ means the program of comprehensive assistance for family caregivers under section 1720G(a) of title 38, United States Code, as amended by section 161 of this title.”

ANNUAL EVALUATION REPORT

Pub. L. 111–163, title I, §101(c), May 5, 2010, 124 Stat. 1138, as amended by Pub. L. 115–182, title I, §163, June 6, 2018, 132 Stat. 1442, provided that:

“(1) IN GENERAL.—Not later than 2 years after the date described in subsection (a)(3)(A) [see Effective

Date note above] and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a comprehensive report on the implementation of section 1720G of title 38, United States Code, as added by subsection (a)(1).

“(2) CONTENTS.—The report required by paragraph (1) shall include the following:

“(A) With respect to the program of comprehensive assistance for family caregivers required by subsection (a)(1) of such section 1720G and the program of general caregiver support services required by subsection (b)(1) of such section—

“(i) the number of caregivers that received assistance under such programs;

“(ii) the cost to the Department of providing assistance under such programs;

“(iii) a description of the outcomes achieved by, and any measurable benefits of, carrying out such programs;

“(iv) an assessment of the effectiveness and the efficiency of the implementation of such programs, including a description of any barriers to accessing and receiving care and services under such programs; and

“(v) such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of carrying out such programs.

“(B) With respect to the program of comprehensive assistance for family caregivers required by such subsection (a)(1)—

“(i) a description of the outreach activities carried out by the Secretary under such program;

“(ii) an assessment of the manner in which resources are expended by the Secretary under such program, particularly with respect to the provision of monthly personal caregiver stipends under paragraph (3)(A)(ii)(v) of such subsection (a); and

“(iii) an evaluation of the sufficiency and consistency of the training provided to family caregivers under such program in preparing family caregivers to provide care to veterans under such program.

“(C) With respect to the provision of general caregiver support services required by such subsection (b)(1)—

“(i) a summary of the support services made available under the program;

“(ii) the number of caregivers who received support services under the program;

“(iii) the cost to the Department of providing each support service provided under the program; and

“(iv) such other information as the Secretary considers appropriate.”

§ 1720H. Mental health treatment for veterans and members of the reserve components of the Armed Forces who served in classified missions

(a) ESTABLISHMENT OF STANDARDS.—(1) The Secretary shall establish standards and procedures to ensure that each eligible individual may access mental health care furnished by the Secretary in a manner that fully accommodates the obligation of the individual to not improperly disclose classified information.

(2) In establishing standards and procedures under paragraph (1), the Secretary shall consult with the Secretary of Defense to ensure that such standards and procedures are consistent with the policies on classified information of the Department of Defense.

(3) The Secretary shall disseminate guidance to employees of the Veterans Health Administration, including mental health professionals, on the standards and procedures established