

111TH CONGRESS
1ST SESSION

S. 801

To amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Mr. AKAKA (for himself, Mr. BURR, Mr. TESTER, Mr. BURRIS, and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family Caregiver Pro-
5 gram Act of 2009”.

1 **SEC. 2. WAIVER OF CHARGES FOR HUMANITARIAN CARE**
2 **PROVIDED TO FAMILY MEMBERS ACCOM-**
3 **PANYING CERTAIN SEVERELY INJURED VET-**
4 **ERANS AS THEY RECEIVE MEDICAL CARE.**

5 The text of section 1784 of title 38, United States
6 Code, is amended to read as follows:

7 “(a) IN GENERAL.—The Secretary may furnish hos-
8 pital care or medical services as a humanitarian service
9 in emergency cases.

10 “(b) REIMBURSEMENT.—Except as provided in sub-
11 section (c), the Secretary shall charge for care and services
12 provided under subsection (a) at rates prescribed by the
13 Secretary.

14 “(c) WAIVER OF CHARGES.—(1) Except as provided
15 in paragraph (2), the Secretary shall waive the charges
16 required by subsection (b) for care or services provided
17 under subsection (a) to an attendant of a covered veteran
18 if such care or services are provided to such attendant for
19 an emergency that occurs while such attendant is accom-
20 panying such veteran while such veteran is receiving ap-
21 proved inpatient or outpatient treatment at—

22 “(A) a Department facility; or

23 “(B) a non-Department facility—

24 “(i) that is under contract with the De-
25 partment; or

1 “(ii) at which the veteran is receiving fee-
2 basis care.

3 “(2) If an attendant is entitled to care or services
4 under a health-plan contract (as that term is defined in
5 section 1725(f) of this title) or other contractual or legal
6 recourse against a third party that would, in part, extin-
7 guish liability by charges described by subsection (b), the
8 amount of such charges waived under paragraph (1) shall
9 be the amount by which such charges exceed the amount
10 of such charges covered by the health-plan contract or
11 other contractual or legal recourse against the third party.

12 “(d) DEFINITIONS.—In this section:

13 “(1) The term ‘attendant’ includes, with respect
14 to a veteran, the following:

15 “(A) A family member of the veteran.

16 “(B) An individual eligible to receive ongo-
17 ing family caregiver assistance under section
18 1717A(e)(1) of this title for the provision of
19 personal care services to the veteran.

20 “(C) Any other individual whom the Sec-
21 retary determines—

22 “(i) has a relationship with the vet-
23 eran sufficient to demonstrate a close af-
24 finity with the veteran; and

1 “(ii) provides a significant portion of
2 the veteran’s care.

3 “(2) The term ‘covered veteran’ means any vet-
4 eran with a severe injury incurred or aggravated in
5 the line of duty in the active military, naval, or air
6 service on or after September 11, 2001.

7 “(3) The term ‘family member’ with respect to
8 a veteran, includes the following:

9 “(A) The spouse of the veteran.

10 “(B) The child of the veteran.

11 “(C) A parent of the veteran.

12 “(D) A sibling of the veteran.

13 “(E) A cousin of the veteran.

14 “(F) An aunt of the veteran.

15 “(G) An uncle of the veteran.

16 “(H) A grandparent of the veteran.

17 “(I) A grandchild of the veteran.

18 “(J) A stepparent of the veteran.

19 “(K) A stepchild of the veteran.

20 “(L) A stepsibling of the veteran.

21 “(M) A parent-in-law of the veteran.

22 “(N) A sister-in-law of the veteran.

23 “(O) A brother-in-law of the veteran.

24 “(P) A cousin of the spouse of the veteran.

25 “(Q) An aunt of the spouse of the veteran.

1 “(R) An uncle of the spouse of the veteran.

2 “(S) A grandparent of the spouse of the
3 veteran.

4 “(T) A grandchild of the spouse of the vet-
5 eran.

6 “(U) A stepparent of the spouse of the vet-
7 eran.

8 “(V) A stepsibling of the spouse of the vet-
9 eran.

10 “(W) Such other individuals as the Sec-
11 retary shall specify in regulations for purposes
12 of this section.

13 “(4) The term ‘severe injury’ means, in the
14 case of a covered veteran, any injury as follows:

15 “(A) A physiological condition of the vet-
16 eran if the condition is a permanent or tem-
17 porary severely disabling disorder that com-
18 promises the ability of the veteran to carry out
19 one or more independent activities of daily liv-
20 ing.

21 “(B) A psychological condition of the vet-
22 eran if the condition is rated at 30 or less on
23 the Global Assessment of Functioning (GAF)
24 scale, as set forth in the Diagnostic and Statis-
25 tical Manual of Mental Disorders, Fourth Edi-

1 tion Text Revision (DSM–IV–TR), or the most
2 recent edition if different than the Fourth Edi-
3 tion Text Revision, of the American Psychiatric
4 Association.

5 “(C) An injury for which the veteran needs
6 supervision or protection based on symptoms or
7 residuals of neurological or other impairment.

8 “(D) Any other injury of the veteran that
9 is determined to be a severe injury in accord-
10 ance with regulations prescribed by the Sec-
11 retary for purposes of this section.”.

12 **SEC. 3. FAMILY CAREGIVER ASSISTANCE.**

13 (a) REQUIREMENT.—

14 (1) IN GENERAL.—Subchapter II of chapter 17
15 of title 38, United States Code, is amended by in-
16 serting after section 1717 the following new section:

17 **“§ 1717A. Family caregiver assistance**

18 “(a) IN GENERAL.—(1) As part of home health serv-
19 ices provided under section 1717 of this title, the Sec-
20 retary shall, upon the joint application of an eligible vet-
21 eran and a family member of such veteran (or other indi-
22 vidual designated by such veteran), furnish to such family
23 member (or designee) family caregiver assistance in ac-
24 cordance with this section. The purpose of providing fam-
25 ily caregiver assistance under this section is—

1 “(A) to reduce the number of veterans who are
2 receiving institutional care, or who are in need of in-
3 stitutional care, whose personal care service needs
4 could be substantially satisfied with the provision of
5 such services by a family member (or designee); and

6 “(B) to provide eligible veterans with additional
7 options so that they can choose the setting for the
8 receipt of personal care services that best suits their
9 needs.

10 “(2) The Secretary shall only furnish family caregiver
11 assistance under this section to a family member of an
12 eligible veteran (or other individual designated by such
13 veteran) if the Secretary determines it is in the best inter-
14 est of the eligible veteran to do so.

15 “(b) ELIGIBLE VETERANS.—(1) For purposes of this
16 section, an eligible veteran is a veteran (or member of the
17 Armed Forces undergoing medical discharge from the
18 Armed Forces)—

19 “(A) who has a serious injury (including trau-
20 matic brain injury, psychological trauma, or other
21 mental disorder) incurred or aggravated in line of
22 duty in the active military, naval, or air service on
23 or after the date described in paragraph (2); and

1 “(B) whom the Secretary determines, in con-
2 sultation with the Secretary of Defense as necessary,
3 is in need of personal care services because of—

4 “(i) an inability to perform one or more
5 independent activities of daily living;

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

9 “(iii) such other matters as the Secretary
10 shall establish in consultation with the Sec-
11 retary of Defense as appropriate.

12 “(2) The date described in this paragraph—

13 “(A) during the period beginning on the date of
14 the enactment of the Family Caregiver Program Act
15 of 2009 and ending two years after the date of the
16 enactment of that Act, is September 11, 2001; and

17 “(B) beginning on the first day after the date
18 that is two years after the date of the enactment of
19 the Family Caregiver Program Act of 2009, is the
20 earliest date the Secretary determines is appropriate
21 to include the largest number of veterans possible
22 under this section without reducing the quality of
23 care provided to such veterans.

24 “(c) EVALUATION OF ELIGIBLE VETERANS AND
25 FAMILY CAREGIVERS.—(1) The Secretary shall evaluate

1 each eligible veteran who makes a joint application under
2 subsection (a)(1)—

3 “(A) to identify the personal care services re-
4 quired by such veteran; and

5 “(B) to determine whether such requirements
6 could be significantly or substantially satisfied with
7 the provision of personal care services from a family
8 member (or other individual designated by the vet-
9 eran).

10 “(2) The Secretary shall evaluate each family mem-
11 ber of an eligible veteran (or other individual designated
12 by the veteran) who makes a joint application under sub-
13 section (a)(1) to determine—

14 “(A) the basic amount of instruction, prepara-
15 tion, and training such family member (or designee)
16 requires, if any, to provide the personal care services
17 required by such veteran; and

18 “(B) the amount of additional instruction, prep-
19 aration, and training such family member (or des-
20 ignee) requires, if any, to be the primary personal
21 care attendant designated for such veteran under
22 subsection (e).

23 “(3) An evaluation carried out under paragraph (1)
24 may be carried out—

25 “(A) at a Department facility;

1 “(B) at a non-Department facility determined
2 appropriate by the Secretary for purposes of such
3 evaluation; and

4 “(C) such other locations as the Secretary con-
5 siders appropriate.

6 “(d) TRAINING AND CERTIFICATION.—(1) Except as
7 provided in subsection (a)(2), the Secretary shall provide
8 each family member of an eligible veteran (or other indi-
9 vidual designated by the veteran) who makes a joint appli-
10 cation under subsection (a)(1) the basic instruction, prep-
11 aration, and training determined to be required by such
12 family member (or designee) under subsection (c)(2)(A).

13 “(2) The Secretary may provide to a family member
14 of an eligible veteran (or other individual designated by
15 the veteran) the additional instruction, preparation, and
16 training determined to be required by such family member
17 (or designee) under subsection (c)(2)(B) if such family
18 member (or designee)—

19 “(A) is certified as a personal care attendant
20 for the veteran under paragraph (3); and

21 “(B) requests, with concurrence of the veteran,
22 such additional instruction, preparation, and train-
23 ing.

24 “(3) Upon the successful completion by a family
25 member of an eligible veteran (or other individual des-

1 igned by the veteran) of basic instruction, preparation,
2 and training provided under paragraph (1), the Secretary
3 shall certify the family member as a personal care attend-
4 ant for the veteran.

5 “(4) If the Secretary determines that a primary per-
6 sonal care attendant designated under subsection (e) re-
7 quires additional training to maintain such designation,
8 the Secretary shall make such training available to the pri-
9 mary personal care attendant.

10 “(5) The Secretary shall, subject to regulations the
11 Secretary shall prescribe, provide for necessary travel,
12 lodging, and per diem expenses incurred by a family mem-
13 ber of an eligible veteran (or other individual designated
14 by the veteran) in undergoing training under this sub-
15 section.

16 “(6) If the participation of a family member of an
17 eligible veteran (or other individual designated by the vet-
18 eran) in training under this subsection would interfere
19 with the provision of personal care services to the veteran,
20 the Secretary shall, subject to regulations as the Secretary
21 shall prescribe and in consultation with the eligible vet-
22 eran, provide respite care to the eligible veteran during
23 the provision of such training to the family member so
24 that such family caregiver (or designee) can participate

1 in such training without interfering with the provision of
2 such services.

3 “(e) DESIGNATION OF PRIMARY PERSONAL CARE
4 ATTENDANT.—(1) For each eligible veteran with at least
5 one family member (or other individual designated by the
6 veteran) who is described by subparagraphs (A) through
7 (E) of paragraph (2), the Secretary shall designate one
8 family member of such veteran (or other individual des-
9 ignated by the veteran) as the primary personal care at-
10 tendant for such veteran to be the primary provider of
11 personal care services for such veteran.

12 “(2) A primary personal care attendant designated
13 for an eligible veteran under paragraph (1) shall be se-
14 lected from among family members of such veteran (or
15 other individuals designated by such veteran) who—

16 “(A) are certified under subsection (d)(3) as a
17 personal care attendant for such veteran;

18 “(B) complete all additional instruction, prepa-
19 ration, and training, if any, provided under sub-
20 section (d)(2);

21 “(C) elect to provide the personal care services
22 to such veteran that the Secretary determines such
23 veteran requires under subsection (c)(1);

1 “(D) has the consent of such veteran to be the
2 primary provider of such services for such veteran;
3 and

4 “(E) the Secretary considers competent to be
5 the primary provider of such services for such vet-
6 eran.

7 “(3) An eligible veteran receiving personal care serv-
8 ices from a family member (or other individual designated
9 by the veteran) designated as the primary personal care
10 attendant for the veteran under paragraph (1) may revoke
11 consent with respect to such family member (or designee)
12 under paragraph (2)(D) at any time.

13 “(4) If an individual designated as the primary per-
14 sonal care attendant of an eligible veteran under para-
15 graph (1) subsequently fails to meet the requirements set
16 forth in paragraph (2), the Secretary—

17 “(A) shall immediately revoke the individual’s
18 designation under paragraph (1); and

19 “(B) may designate, in consultation with the el-
20 igible veteran or the eligible veteran’s surrogate ap-
21 pointed under subsection (g), a new primary per-
22 sonal care attendant for the veteran under such
23 paragraph.

24 “(5) The Secretary shall take such actions as may
25 be necessary to ensure that the revocation of a designation

1 under paragraph (1) does not interfere with the provision
2 of personal care services required by a veteran.

3 “(f) ONGOING FAMILY CAREGIVER ASSISTANCE.—

4 (1) Except as provided in subsection (a)(2) and subject
5 to the provisions of this subsection, the Secretary shall
6 provide ongoing family caregiver assistance to family
7 members of eligible veterans (or other individuals des-
8 ignated by such veterans) as follows:

9 “(A) To each family member of an eligible vet-
10 eran (or designee) who is certified under subsection
11 (d)(3) as a personal care attendant for the veteran
12 the following:

13 “(i) Direct technical support consisting of
14 information and assistance to timely address
15 routine, emergency, and specialized caregiving
16 needs.

17 “(ii) Counseling.

18 “(iii) Access to an interactive Internet
19 website on caregiver services that addresses all
20 aspects of the provision of personal care serv-
21 ices under this section.

22 “(B) To each family member of an eligible vet-
23 eran (or designee) who is designated as the primary
24 personal care attendant for the veteran under sub-
25 section (e) the following:

1 “(i) The ongoing family caregiver assist-
2 ance described in subparagraph (A).

3 “(ii) Mental health services.

4 “(iii) Respite care of not less than 30 days
5 annually, including 24-hour per day care of the
6 veteran commensurate with the care provided
7 by the family caregiver to permit extended res-
8 pite.

9 “(iv) Medical care under section 1781 of
10 this title.

11 “(v) A monthly personal caregiver stipend.

12 “(2)(A) The Secretary shall provide respite care
13 under paragraph (1)(B)(iii), at the election of the Sec-
14 retary—

15 “(i) through facilities of the Department that
16 are appropriate for the veteran; or

17 “(ii) through contracts under section 1720B(c)
18 of this title.

19 “(B) If the primary personal care attendant of an
20 eligible veteran designated under subsection (e)(1) deter-
21 mines in consultation with the veteran or the veteran’s
22 surrogate appointed under subsection (g), and the Sec-
23 retary concurs, that the needs of the veteran cannot be
24 accommodated through the facilities and contracts de-
25 scribed in subparagraph (A), the Secretary shall, in con-

1 sultation with the primary personal care attendant and the
2 veteran (or the veteran’s surrogate), provide respite care
3 through other facilities or arrangements that are medically
4 and age appropriate.

5 “(3)(A) The Secretary shall provide monthly personal
6 caregiver stipends under paragraph (1)(B)(v) in accord-
7 ance with a schedule established by the Secretary that
8 specifies stipends provided based upon the amount and de-
9 gree of personal care services provided.

10 “(B) The Secretary shall ensure, to the extent prac-
11 ticable, that the schedule required by subparagraph (A)
12 specifies that the amount of the personal caregiver stipend
13 provided to a primary personal care attendant designated
14 under subsection (e)(1) for the provision of personal care
15 services to an eligible veteran is not less than the amount
16 the Secretary would pay a commercial home health care
17 entity in the geographic area of the veteran to provide
18 equivalent personal care services to the veteran.

19 “(C) If personal care services are not available from
20 a commercial provider in the geographic area of an eligible
21 veteran, the Secretary may establish the schedule required
22 by subparagraph (A) with respect to the veteran by consid-
23 ering the costs of commercial providers of personal care
24 services in geographic areas other than the geographic
25 area of the veteran with similar costs of living.

1 “(4) Provision of ongoing family caregiver assistance
2 under this subsection for provision of personal care serv-
3 ices to an eligible veteran shall terminate if the eligible
4 veteran no longer requires the personal care services.

5 “(g) SURROGATES.—If an eligible veteran lacks the
6 capacity to submit an application, provide consent, make
7 a request, or concur with a request under this section, the
8 Secretary may, in accordance with regulations and policies
9 of the Department regarding the appointment of guard-
10 ians or the use of powers of attorney, appoint a surrogate
11 for the veteran who may submit applications, provide con-
12 sent, make requests, or concur with requests on behalf of
13 the veteran under this section.

14 “(h) OVERSIGHT.—(1) The Secretary shall enter into
15 contracts with appropriate entities to provide oversight of
16 the provision of personal care services by primary personal
17 care attendants designated under subsection (e)(1) under
18 this section.

19 “(2) The Secretary shall ensure that each eligible vet-
20 eran receiving personal care services under this section
21 from a primary personal care attendant designated under
22 subsection (e)(1) is visited in the veteran’s home by an
23 entity providing oversight under paragraph (1) at such
24 frequency as the Secretary shall determine under para-

1 graph (3) to determine if the care received by the veteran
2 under this section meets the needs of the veteran.

3 “(3)(A) Except as provided in subparagraph (B), the
4 Secretary shall determine the manner of oversight pro-
5 vided under paragraph (1) and the frequency of visits
6 under paragraph (2) for an eligible veteran as the Sec-
7 retary considers commensurate with the needs of such eli-
8 gible veteran.

9 “(B) The frequency of visits under paragraph (2) for
10 an eligible veteran shall be not less frequent than once
11 every six months.

12 “(4)(A) An entity visiting an eligible veteran under
13 paragraph (2) shall submit to the Secretary the findings
14 of the entity with respect to each visit, including whether
15 the eligible veteran is receiving the care the eligible vet-
16 eran requires.

17 “(B) If an entity finds under subparagraph (A) that
18 an eligible veteran is not receiving the care the eligible
19 veteran requires, the entity shall submit to the Secretary
20 a recommendation on the corrective actions that should
21 be taken to ensure that the eligible veteran receives the
22 care the eligible veteran requires, including, if the entity
23 considers appropriate, a recommendation for revocation of
24 a caregiver’s certification under subsection (d)(3) or rev-

1 ocation of the designation of an individual under sub-
2 section (e)(1).

3 “(5) After receiving findings and recommendations,
4 if any, under paragraph (4) with respect to an eligible vet-
5 eran, the Secretary may take such actions as the Secretary
6 considers appropriate to ensure that the eligible veteran
7 receives the care the eligible veteran requires, including
8 the following:

9 “(A) Revocation of a caregiver’s certification
10 under subsection (d)(3).

11 “(B) Revocation of the designation of an indi-
12 vidual under subsection (e)(1).

13 “(6) If the Secretary terminates the provision of on-
14 going family caregiver assistance under subsection (f) to
15 a family member of an eligible veteran (or other individual
16 designated by the veteran) because of findings of an entity
17 submitted to the Secretary under paragraph (4) of this
18 subsection, the Secretary may not provide compensation
19 to such entity for the provision of personal care services
20 to such veteran, unless the Secretary determines it would
21 be in the best interest of the eligible veteran to provide
22 compensation to such entity to provide such services.

23 “(i) OUTREACH.—The Secretary shall carry out a
24 program of outreach to inform eligible veterans and their

1 family members of the availability and nature of family
2 caregiver assistance.

3 “(j) CONSTRUCTION.—A decision by the Secretary
4 under this section affecting the furnishing of family care-
5 giver assistance shall be considered a medical determina-
6 tion.

7 “(k) DEFINITIONS.—In this section:

8 “(1) The term ‘family caregiver assistance’ in-
9 cludes the instruction, preparation, training, and
10 certification provided under subsection (d) and the
11 ongoing family caregiver assistance provided under
12 subsection (f).

13 “(2) The term ‘family member’ includes, with
14 respect to a veteran, the following:

15 “(A) The spouse of the veteran.

16 “(B) The child of the veteran.

17 “(C) A parent of the veteran.

18 “(D) A sibling of the veteran.

19 “(E) A cousin of the veteran.

20 “(F) An aunt of the veteran.

21 “(G) An uncle of the veteran.

22 “(H) A grandparent of the veteran.

23 “(I) A grandchild of the veteran.

24 “(J) A stepparent of the veteran.

25 “(K) A stepchild of the veteran.

- 1 “(L) A stepsibling of the veteran.
- 2 “(M) A parent-in-law of the veteran.
- 3 “(N) A sister-in-law of the veteran.
- 4 “(O) A brother-in-law of the veteran.
- 5 “(P) A cousin of the spouse of the veteran.
- 6 “(Q) An aunt of the spouse of the veteran.
- 7 “(R) An uncle of the spouse of the veteran.
- 8 “(S) A grandparent of the spouse of the
- 9 veteran.
- 10 “(T) A grandchild of the spouse of the vet-
- 11 eran.
- 12 “(U) A stepparent of the spouse of the vet-
- 13 eran.
- 14 “(V) A stepsibling of the spouse of the vet-
- 15 eran.
- 16 “(W) Such other individuals as the Sec-
- 17 retary shall specify in regulations for purposes
- 18 of this section.
- 19 “(3) The term ‘personal care services’ includes
- 20 the following:
- 21 “(A) Supervision.
- 22 “(B) Protection.
- 23 “(C) Services to assist a veteran with one
- 24 or more independent activities of daily living.

1 “(D) Such other services as the Secretary
2 considers appropriate.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 17 of such title is
5 amended by inserting after the item related to sec-
6 tion 1717 the following new item:

“1717A. Family caregiver assistance.”.

7 (3) AUTHORIZATION FOR PROVISION OF
8 HEALTH CARE TO PERSONAL CARE ATTENDANTS.—
9 Section 1781(a) of such title is amended—

10 (A) by redesignating paragraphs (2) and
11 (3) as paragraphs (3) and (4), respectively; and

12 (B) by inserting after paragraph (1) the
13 following new paragraph (2):

14 “(2) a family member of a veteran (or other in-
15 dividual designated by the veteran) designated as the
16 primary personal care attendant for such veteran
17 under section 1717A(e) of this title,”.

18 (4) CONSTRUCTION.—The furnishing of family
19 caregiver assistance under section 1717A of title 38,
20 United States Code, as added by paragraph (1),
21 shall be construed to supplement and not supplant
22 the programs of the Department of Veterans Affairs
23 in existence on the date of the enactment of this
24 Act.

1 (5) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect on the date that
3 is 270 days after the date of the enactment of this
4 Act.

5 (b) IMPLEMENTATION PLAN AND REPORT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Veterans Affairs shall—

9 (A) develop a plan for the implementation
10 of section 1717A of title 38, United States
11 Code, as added by subsection (a)(1); and

12 (B) submit to the Committee on Veterans'
13 Affairs of the Senate and the Committee on
14 Veterans' Affairs of the House of Representa-
15 tives a report on such plan.

16 (2) CONSULTATION.—In developing the plan re-
17 quired by paragraph (1)(A), the Secretary shall con-
18 sult with the following:

19 (A) Veterans described in section 1717A(b)
20 of title 38, United States Code, as added by
21 subsection (a)(1).

22 (B) Family members of veterans who pro-
23 vide personal care services to such veterans.

24 (C) Veterans service organizations, as rec-
25 ognized by the Secretary of Veterans Affairs for

1 the representation of veterans under section
2 5902 of title 38, United States Code.

3 (D) Relevant national organizations that
4 specialize in the provision of assistance to indi-
5 viduals with the types of disabilities that per-
6 sonal care attendants will encounter while pro-
7 viding personal care services under section
8 1717A of title 38, United States Code, as so
9 added.

10 (E) Such other organizations with an in-
11 terest in the provision of care to veterans as the
12 Secretary considers appropriate.

13 (F) The Secretary of Defense with respect
14 to matters concerning personal care services for
15 eligible veterans who are members of the Armed
16 Forces undergoing medical discharge from the
17 Armed Forces.

18 (3) REPORT CONTENTS.—The report required
19 by paragraph (1)(B) shall contain the following:

20 (A) The plan required by paragraph
21 (1)(A).

22 (B) A description of the veterans, care-
23 givers, and organizations consulted by the Sec-
24 retary under paragraph (2).

25 (C) A description of such consultations.

1 (D) The recommendations of such vet-
2 erans, caregivers, and organizations, if any,
3 that were not incorporated into the plan re-
4 quired by paragraph (1)(A).

5 (E) The reasons the Secretary did not in-
6 corporate such recommendations into such plan.

7 (c) ANNUAL EVALUATION REPORT.—

8 (1) IN GENERAL.—Not later than two years
9 after the date described in subsection (a)(4) and an-
10 nually thereafter, the Secretary shall submit to the
11 Committee on Veterans' Affairs of the Senate and
12 the Committee on Veterans' Affairs of the House of
13 Representatives a comprehensive report on the im-
14 plementation of section 1717A of title 38, United
15 States Code, as added by subsection (a)(1).

16 (2) CONTENTS.—The report required by para-
17 graph (1) shall include the following:

18 (A) The number of family members of vet-
19 erans (or other individuals designated by vet-
20 erans) that received family caregiver assistance
21 under such section 1717A.

22 (B) A description of the outreach activities
23 carried out by the Secretary in accordance with
24 subsection (i) of such section 1717A.

1 (C) The resources expended by the Sec-
2 retary under such section 1717A.

3 (D) An assessment of the manner in which
4 resources are expended by the Secretary under
5 such section 1717A, particularly with respect to
6 the provision of monthly personal caregiver sti-
7 pends under subsection (f) of such section.

8 (E) A description of the outcomes achieved
9 by, and any measurable benefits of, carrying
10 out the requirements of such section 1717A.

11 (F) A justification of any determination
12 made under subsection (b)(2) of such section
13 1717A.

14 (G) An assessment of the effectiveness and
15 the efficiency of the implementation of such sec-
16 tion 1717A.

17 (H) An assessment of how the provision of
18 family caregiver assistance fits into the con-
19 tinuum of home health care services and bene-
20 fits provided to veterans in need of such serv-
21 ices and benefits.

22 (I) Such recommendations, including rec-
23 ommendations for legislative or administrative
24 action, as the Secretary considers appropriate

1 in light of carrying out the requirements of
2 such section 1717A.

3 **SEC. 4. LODGING AND SUBSISTENCE FOR ATTENDANTS.**

4 Section 111(e) of title 38, United States Code, is
5 amended—

6 (1) by striking “When any” and inserting “(1)
7 When any”;

8 (2) in paragraph (1), as designated by para-
9 graph (1) of this subsection—

10 (A) by inserting “(including lodging and
11 subsistence)” after “expenses of travel”; and

12 (B) by inserting before the period at the
13 end the following: “for the period consisting of
14 travel to and from a treatment facility and the
15 duration of the treatment episode”; and

16 (3) by adding at the end the following:

17 “(2) The Secretary may prescribe regulations to
18 carry out this subsection. Such regulations may include
19 provisions—

20 “(A) to limit the number of individuals that
21 may receive expenses of travel under paragraph (1)
22 for a single treatment episode of a person; and

23 “(B) to require attendants to use certain travel
24 services.

25 “(3) In this subsection:

1 “(A) The term ‘attendant’ includes, with re-
2 spect to a person described in paragraph (1), the fol-
3 lowing:

4 “(i) A family member of the person.

5 “(ii) An individual certified as a personal
6 care attendant under section 1717A(d)(3) of
7 this title.

8 “(iii) Any other individual whom the Sec-
9 retary determines—

10 “(I) has a preexisting relationship
11 with the person; and

12 “(II) provides a significant portion of
13 the person’s care.

14 “(B) The term ‘family member’ includes, with
15 respect to a person described in paragraph (1), the
16 following:

17 “(i) The spouse of the person.

18 “(ii) The child of the person.

19 “(iii) A parent of the person.

20 “(iv) A sibling of the person.

21 “(v) A cousin of the person.

22 “(vi) An aunt of the person.

23 “(vii) An uncle of the person.

24 “(viii) A grandparent of the person.

25 “(ix) A grandchild of the person.

- 1 “(x) A stepparent of the person.
- 2 “(xi) A stepchild of the person.
- 3 “(xii) A stepsibling of the person.
- 4 “(xiii) A parent-in-law of the person.
- 5 “(xiv) A sister-in-law of the person.
- 6 “(xv) A brother-in-law of the person.
- 7 “(xvi) A cousin of the spouse of the per-
- 8 son.
- 9 “(xvii) An aunt of the spouse of the per-
- 10 son.
- 11 “(xviii) An uncle of the spouse of the per-
- 12 son.
- 13 “(xix) A grandparent of the spouse of the
- 14 person.
- 15 “(xx) A grandchild of the spouse of the
- 16 person.
- 17 “(xxi) A stepparent of the spouse of the
- 18 person.
- 19 “(xxii) A stepsibling of the spouse of the
- 20 person.
- 21 “(xxiii) Such other individuals as the Sec-
- 22 retary shall specify in regulations for purposes
- 23 of this subsection.”.

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