



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.
Washington, DC 20548

B-337877

November 26, 2025

The Honorable Jerry Moran
Chairman
The Honorable Richard Blumenthal
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Mike Bost
Chairman
The Honorable Mark Takano
Ranking Member
Committee on Veterans' Affairs
House of Representatives

Subject: *Department of Veterans Affairs: Extension of Program of Comprehensive Assistance for Family Caregivers Eligibility for Legacy Participants and Legacy Applicants*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Veterans Affairs (VA) titled "Extension of Program of Comprehensive Assistance for Family Caregivers Eligibility for Legacy Participants and Legacy Applicants" (RIN: 2900-AR28). We received the rule on September 29, 2025. It was published in the *Federal Register* on September 29, 2025. 90 Fed. Reg. 46477. The effective date of the rule is September 30, 2025.

According to VA, it is adopting as final, with changes, an earlier interim final rule that amended its regulations governing the Program of Comprehensive Assistance for Family Caregivers (PCAFC) and extended the transition period for legacy participants, legacy applicants, and their Family Caregivers (the legacy cohort). VA stated that the interim final rule extended the transition period for the legacy cohort through September 30, 2025, and this rule will further extend the transition period for the legacy cohort through September 30, 2028.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The 60-day delay in effective date does not apply, however, if the agency finds for good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, and the agency incorporates the finding and a brief statement of its reasons in the rule. 5 U.S.C. § 808(2). According to VA, if this rule is not made effective prior to October 1, 2025, members of the legacy cohort and other stakeholders would be subject to uncertainty and confusion about their continued PCAFC eligibility and assistance upon the expiration of the current transition period for the legacy cohort on September 30, 2025. 90 Fed. Reg. at 46479. VA stated that because of these burdens, providing further notice and engaging in additional public procedures would be impracticable

and contrary to the public interest. *Id.* Accordingly, VA stated that it found that there was good cause to publish the rule with an operative and effective date of September 30, 2025. *Id.*

Enclosed is our assessment of VA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Will Shakely, Acting Assistant General Counsel, at (202) 512-3363.

A handwritten signature in black ink, appearing to read "Shirley A. Jones".

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Jennifer Williams
Director, Office of Regulatory Oversight and Management
Department of Veterans Affairs

ENCLOSURE

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF VETERANS AFFAIRS
TITLED
“EXTENSION OF PROGRAM OF COMPREHENSIVE ASSISTANCE FOR FAMILY
CAREGIVERS ELIGIBILITY FOR LEGACY PARTICIPANTS AND LEGACY APPLICANTS”
(RIN: 2900-AR28)

(i) Cost-benefit analysis

The Department of Veterans Affairs (VA) prepared an analysis of the costs and benefits for this rule in a separate document titled, “Regulatory Impact Analysis for RIN 2900-AR28(F).” 90 Fed. Reg. 46477, 46480, (Sept. 29, 2025).

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

The Secretary of VA certifies that this rule will not have a significant economic impact on a substantial number of small entities. 90 Fed. Reg. at 46480.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

VA determined that this rule will not have an effect on state, local, or tribal governments, in the aggregate, or on the private sector, of \$100 million in 1995 dollars, updated annually for inflation, in any one year. 90 Fed. Reg. at 46480.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

VA stated that a notice of proposed rulemaking was not required for this final rule because it simply concludes the regulatory actions initiated by the First and Second Program of Comprehensive Assistance for Family Caregivers (PCAFC) interim final rules. *See generally* 86 Fed. Reg 52614, (Sept. 22, 2021); 87 Fed. Reg. 57602 (Sept. 21, 2022). VA also stated that notice and comment procedures were conducted for the underlying interim final rules, and this rule responds to significant and relevant comments received during the comment periods for the interim final rules. 90 Fed. Reg. at 46480.

In addition, the Act’s notice-and-comment requirements do not apply if the agency finds for good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, and the agency incorporates the finding and a brief statement of its reasons in the rule. 5 U.S.C. § 553(b)(B). VA stated there was good cause that notice and comment procedures would be impracticable and contrary to the public interest, citing the reasons discussed in other sections of the rule and in the earlier interim final rules. 90 Fed. Reg. at 46480. According to VA, if this rule is not made effective prior to October 1, 2025, members of the legacy cohort and other stakeholders would be subject to uncertainty and confusion about their continued PCAFC eligibility and assistance upon the expiration of the

current transition period for the legacy cohort on September 30, 2025. 90 Fed. Reg. at 46479. VA stated that because of these burdens, providing further notice and engaging in additional public procedures would be impracticable and contrary to the public interest. *Id.*

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

VA stated that this rule contains no provisions constituting a collection of information under the PRA. 90 Fed. Reg. at 46480.

Statutory authorization for the rule

VA promulgated this rule pursuant to section 1720G of title 38, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

VA stated that the Office of Information and Regulatory Affairs has determined that this rule is an economically significant regulatory action under the Order, as amended. 90 Fed. Reg. at 46480.

Executive Order No. 13132 (Federalism)

In its submission to us VA indicated that the Order is not applicable to this rule.