

Calendar No. 897

110TH CONGRESS
2D SESSION

S. 2617

[Report No. 110-430]

To increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 6), 2008

Mr. AKAKA (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. WEBB, Mr. TESTER, Mr. CRAIG, Mr. ISAKSON, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JULY 24 (legislative day, JULY 23), 2008

Reported by Mr. AKAKA, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Compensa-
3 tion Cost-of-Living Adjustment Act of 2008”.

4 **SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSA-**
5 **TION AND DEPENDENCY AND INDEMNITY**
6 **COMPENSATION.**

7 (a) **RATE ADJUSTMENT.**—Effective on December 1,
8 2008, the Secretary of Veterans Affairs shall increase, in
9 accordance with subsection (c), the dollar amounts in ef-
10 fect on November 30, 2008, for the payment of disability
11 compensation and dependency and indemnity compensa-
12 tion under the provisions specified in subsection (b).

13 (b) **AMOUNTS TO BE INCREASED.**—The dollar
14 amounts to be increased pursuant to subsection (a) are
15 the following:

16 (1) **WARTIME DISABILITY COMPENSATION.**—
17 Each of the dollar amounts under section 1114 of
18 title 38, United States Code.

19 (2) **ADDITIONAL COMPENSATION FOR DEPEND-**
20 **ENTS.**—Each of the dollar amounts under section
21 1115(1) of such title.

22 (3) **CLOTHING ALLOWANCE.**—The dollar
23 amount under section 1162 of such title.

24 (4) **DEPENDENCY AND INDEMNITY COMPENSA-**
25 **TION TO SURVIVING SPOUSE.**—Each of the dollar

1 amounts under subsections (a) through (d) of sec-
2 tion 1311 of such title.

3 (5) ~~DEPENDENCY AND INDEMNITY COMPENSA-~~
4 ~~TION TO CHILDREN.~~—Each of the dollar amounts
5 under sections 1313(a) and 1314 of such title.

6 (c) ~~DETERMINATION OF INCREASE.~~—

7 (1) ~~PERCENTAGE.~~—Except as provided in para-
8 graph (2), each dollar amount described in sub-
9 section (b) shall be increased by the same percentage
10 as the percentage by which benefit amounts payable
11 under title II of the Social Security Act (42 U.S.C.
12 401 et seq.) are increased effective December 1,
13 2008, as a result of a determination under section
14 215(i) of such Act (42 U.S.C. 415(i)).

15 (2) ~~ROUNDING.~~—Each dollar amount increased
16 under paragraph (1), if not a whole dollar amount,
17 shall be rounded to the next lower whole dollar
18 amount.

19 (d) ~~SPECIAL RULE.~~—The Secretary of Veterans Af-
20 fairs may adjust administratively, consistent with the in-
21 creases made under subsection (a), the rates of disability
22 compensation payable to persons under section 10 of Pub-
23 lic Law 85–857 (72 Stat. 1263) who have not received
24 compensation under chapter 11 of title 38, United States
25 Code.

1 **SEC. 3. PUBLICATION OF ADJUSTED RATES.**

2 The Secretary of Veterans Affairs shall publish in the
 3 Federal Register the amounts specified in subsection (b)
 4 of section 2, as increased under that section, not later
 5 than the date on which the matters specified in section
 6 215(i)(2)(D) of the Social Security Act (42 U.S.C.
 7 415(i)(2)(D)) are required to be published by reason of
 8 a determination made under section 215(i) of such Act
 9 during fiscal year 2009.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Veterans’ Compensation*
 12 *Cost-of-Living Adjustment Act of 2008”.*

13 **SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION**
 14 **AND DEPENDENCY AND INDEMNITY COM-**
 15 **PENSATION.**

16 (a) *RATE ADJUSTMENT.—Effective on December 1,*
 17 *2008, the Secretary of Veterans Affairs shall increase, in*
 18 *accordance with subsection (c), the dollar amounts in effect*
 19 *on November 30, 2008, for the payment of disability com-*
 20 *ensation and dependency and indemnity compensation*
 21 *under the provisions specified in subsection (b).*

22 (b) *AMOUNTS TO BE INCREASED.—The dollar*
 23 *amounts to be increased pursuant to subsection (a) are the*
 24 *following:*

1 (1) *WARTIME DISABILITY COMPENSATION.*—*Each*
2 *of the dollar amounts under section 1114 of title 38,*
3 *United States Code.*

4 (2) *ADDITIONAL COMPENSATION FOR DEPEND-*
5 *ENTS.*—*Each of the dollar amounts under section*
6 *1115(1) of such title.*

7 (3) *CLOTHING ALLOWANCE.*—*The dollar amount*
8 *under section 1162 of such title.*

9 (4) *DEPENDENCY AND INDEMNITY COMPENSA-*
10 *TION TO SURVIVING SPOUSE.*—*Each of the dollar*
11 *amounts under subsections (a) through (d) of section*
12 *1311 of such title.*

13 (5) *DEPENDENCY AND INDEMNITY COMPENSA-*
14 *TION TO CHILDREN.*—*Each of the dollar amounts*
15 *under sections 1313(a) and 1314 of such title.*

16 (c) *DETERMINATION OF INCREASE.*—

17 (1) *PERCENTAGE.*—*Except as provided in para-*
18 *graph (2), each dollar amount described in subsection*
19 *(b) shall be increased by the same percentage as the*
20 *percentage by which benefit amounts payable under*
21 *title II of the Social Security Act (42 U.S.C. 401 et*
22 *seq.) are increased effective December 1, 2008, as a re-*
23 *sult of a determination under section 215(i) of such*
24 *Act (42 U.S.C. 415(i)).*

1 (2) *ROUNDING.*—*Each dollar amount increased*
2 *under paragraph (1), if not a whole dollar amount,*
3 *shall be rounded to the next lower whole dollar*
4 *amount.*

5 (d) *SPECIAL RULE.*—*The Secretary of Veterans Affairs*
6 *may adjust administratively, consistent with the increases*
7 *made under subsection (a), the rates of disability compensa-*
8 *tion payable to persons under section 10 of Public Law 85-*
9 *857 (72 Stat. 1263) who have not received compensation*
10 *under chapter 11 of title 38, United States Code.*

11 (e) *PUBLICATION OF ADJUSTED RATES.*—*The Sec-*
12 *retary of Veterans Affairs shall publish in the Federal Reg-*
13 *ister the amounts specified in subsection (b), as increased*
14 *under that subsection, not later than the date on which the*
15 *matters specified in section 215(i)(2)(D) of the Social Secu-*
16 *rity Act (42 U.S.C. 415(i)(2)(D)) are required to be pub-*
17 *lished by reason of a determination made under section*
18 *215(i) of such Act during fiscal year 2009.*

19 **SEC. 3. CODIFICATION OF 2007 COST-OF-LIVING ADJUST-**
20 **MENT IN RATES OF DISABILITY COMPENSA-**
21 **TION AND DEPENDENCY AND INDEMNITY**
22 **COMPENSATION.**

23 (a) *VETERANS' DISABILITY COMPENSATION.*—*Section*
24 *1114 of title 38, United States Code, is amended—*

1 (1) in subsection (a), by striking “\$115” and in-
2 serting “\$117”;

3 (2) in subsection (b), by striking “\$225” and in-
4 serting “\$230”;

5 (3) in subsection (c), by striking “\$348” and in-
6 serting “\$356”;

7 (4) in subsection (d), by striking “\$501” and in-
8 serting “\$512”;

9 (5) in subsection (e), by striking “\$712” and in-
10 serting “\$728”;

11 (6) in subsection (f), by striking “\$901” and in-
12 serting “\$921”;

13 (7) in subsection (g), by striking “\$1,135” and
14 inserting “\$1,161”;

15 (8) in subsection (h), by striking “\$1,319” and
16 inserting “\$1,349”;

17 (9) in subsection (i), by striking “\$1,483” and
18 inserting “\$1,517”;

19 (10) in subsection (j), by striking “\$2,471” and
20 inserting “\$2,527”;

21 (11) in subsection (k)—

22 (A) by striking “\$89” both places it appears
23 and inserting “\$91”; and

24 (B) by striking “\$3,075” and “\$4,313” and
25 inserting “\$3,145” and “\$4,412”, respectively;

1 (12) in subsection (l), by striking “\$3,075” and
2 inserting “\$3,145”;

3 (13) in subsection (m), by striking “\$3,392” and
4 inserting “\$3,470”;

5 (14) in subsection (n), by striking “\$3,860” and
6 inserting “\$3,948”;

7 (15) in subsections (o) and (p), by striking
8 “\$4,313” each place it appears and inserting
9 “\$4,412”;

10 (16) in subsection (r), by striking “\$1,851” and
11 “\$2,757” and inserting “\$1,893” and “\$2,820”, re-
12 spectively; and

13 (17) in subsection (s), by striking “\$2,766” and
14 inserting “\$2,829”.

15 (b) *ADDITIONAL COMPENSATION FOR DEPENDENTS.*—

16 Section 1115(1) of such title is amended—

17 (1) in subparagraph (A), by striking “\$139” and
18 inserting “\$142”;

19 (2) in subparagraph (B), by striking “\$240” and
20 “\$70” and inserting “\$245” and “\$71”, respectively;

21 (3) in subparagraph (C), by striking “\$94” and
22 “\$70” and inserting “\$96” and “\$71”, respectively;

23 (4) in subparagraph (D), by striking “\$112”
24 and inserting “\$114”;

1 (5) in subparagraph (E), by striking “\$265”
 2 and inserting “\$271”; and

3 (6) in subparagraph (F), by striking “\$222” and
 4 inserting “\$227”.

5 (c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED
 6 VETERANS.—Section 1162 of such title is amended by strik-
 7 ing “\$662” and inserting “\$677”.

8 (d) DEPENDENCY AND INDEMNITY COMPENSATION FOR
 9 SURVIVING SPOUSES.—

10 (1) NEW LAW DIC.—Section 1311(a) of such title
 11 is amended—

12 (A) in paragraph (1), by striking “\$1,067”
 13 and inserting “\$1,091”; and

14 (B) in paragraph (2), by striking “\$228”
 15 and inserting “\$233”.

16 (2) OLD LAW DIC.—The table in paragraph (3)
 17 of such section is amended to read as follows:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$1,091	W-4	\$1,305
E-2	\$1,091	O-1	\$1,153
E-3	\$1,091	O-2	\$1,191
E-4	\$1,091	O-3	\$1,274
E-5	\$1,091	O-4	\$1,349
E-6	\$1,091	O-5	\$1,485
E-7	\$1,129	O-6	\$1,674
E-8	\$1,191	O-7	\$1,808
E-9	\$1,242 ¹	O-8	\$1,985
W-1	\$1,153	O-9	\$2,123
W-2	\$1,198	O-10	\$2,328 ²
W-3	\$1,234		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,342.

² If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$2,499.”

1 (3) *ADDITIONAL DIC FOR CHILDREN OR DIS-*
2 *ABILITY.—Section 1311 of such title is amended—*

3 (A) *in subsection (b), by striking “\$265”*
4 *and inserting “\$271”;*

5 (B) *in subsection (c), by striking “\$265”*
6 *and inserting “\$271”; and*

7 (C) *in subsection (d), by striking “\$126”*
8 *and inserting “\$128”.*

9 (e) *DEPENDENCY AND INDEMNITY COMPENSATION FOR*
10 *CHILDREN.—*

11 (1) *DIC WHEN NO SURVIVING SPOUSE.—Section*
12 *1313(a) of such title is amended—*

13 (A) *in paragraph (1), by striking “\$452”*
14 *and inserting “\$462”;*

15 (B) *in paragraph (2), by striking “\$649”*
16 *and inserting “\$663”;*

17 (C) *in paragraph (3), by striking “\$846”*
18 *and inserting “\$865”; and*

19 (D) *in paragraph (4), by striking “\$846”*
20 *and “\$162” and inserting “\$865” and “\$165”,*
21 *respectively.*

22 (2) *SUPPLEMENTAL DIC FOR CERTAIN CHIL-*
23 *DREN.—Section 1314 of such title is amended—*

24 (A) *in subsection (a), by striking “\$265”*
25 *and inserting “\$271”;*

- 1 (B) in subsection (b), by striking “\$452”
2 and inserting “\$462”; and
3 (C) in subsection (c), by striking “\$225”
4 and inserting “\$230”.
5 (f) *EFFECTIVE DATE.*—*The amendments made by this*
6 *section shall take effect on December 1, 2007.*

Amend the title so as to read: “A Bill to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.”.

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A BILL

To increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

JULY 24 (legislative day, JULY 23), 2008

Reported with an amendment and an amendment to the title