

Calendar No. 84

117TH CONGRESS
1ST SESSION

S. 189

To amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2021

Mr. THUNE (for himself, Mr. SCHATZ, Mr. BLUMENTHAL, Ms. SINEMA, Ms. HASSAN, Mr. TESTER, Ms. HIRONO, Mrs. MURRAY, Mr. BROWN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JUNE 24, 2021

Reported by Mr. TESTER, 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 amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, 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 “Veterans’ Disability
 5 Compensation Automatic COLA Act of 2021”.

6 **SEC. 2. AUTOMATIC ANNUAL INCREASE IN RATES OF DIS-**
 7 **ABILITY COMPENSATION AND DEPENDENCY**
 8 **AND INDEMNITY COMPENSATION.**

9 (a) INDEXING TO SOCIAL SECURITY INCREASES.—
 10 Section 5312 of title 38, United States Code, is amend-
 11 ed—

12 (1) by redesignating subsection (e) as sub-
 13 section (d);

14 (2) by inserting after subsection (b) the fol-
 15 lowing new subsection:

16 “(c)(1) Whenever there is an increase in benefit
 17 amounts payable under title II of the Social Security Act
 18 (42 U.S.C. 401 et seq.) as a result of a determination
 19 made under section 215(i) of such Act (42 U.S.C. 415(i)),
 20 the Secretary shall, effective on the date of such increase
 21 in benefit amounts, increase the dollar amounts in effect
 22 for the payment of disability compensation and depend-
 23 ency and indemnity compensation by the Secretary, as
 24 specified in paragraph (2), as such amounts were in effect
 25 immediately before the date of such increase in benefit

1 amounts payable under title II of the Social Security Act,
 2 by the same percentage as the percentage by which such
 3 benefit amounts are increased.

4 “(2) The dollar amounts to be increased pursuant to
 5 paragraph (1) are the following:

6 “(A) DISABILITY COMPENSATION.—Each of the
 7 dollar amounts in effect under section 1114 of this
 8 title.

9 “(B) ADDITIONAL COMPENSATION FOR DE-
 10 PENDENTS.—Each of the dollar amounts in effect
 11 under section 1115(1) of this title.

12 “(C) CLOTHING ALLOWANCE.—The dollar
 13 amount in effect under section 1162 of this title.

14 “(D) NEW DIC RATES.—Each of the dollar
 15 amounts in effect under paragraphs (1) and (2) of
 16 section 1311(a) of this title.

17 “(E) OLD DIC RATES.—Each of the dollar
 18 amounts in effect under section 1311(a)(3) of this
 19 title.

20 “(F) ADDITIONAL DIC FOR SURVIVING SPOUSES
 21 WITH MINOR CHILDREN.—The dollar amount in ef-
 22 fect under section 1311(b) of this title.

23 “(G) ADDITIONAL DIC FOR DISABILITY.—Each
 24 of the dollar amounts in effect under subsections (c)
 25 and (d) of section 1311 of this title.

1 ~~“(H) DIC FOR DEPENDENT CHILDREN.—Each~~
 2 ~~of the dollar amounts in effect under sections~~
 3 ~~1313(a) and 1314 of this title.”; and~~

4 ~~(3) by adding at the end of subsection (d), as~~
 5 ~~redesignated by paragraph (1), the following new~~
 6 ~~paragraph:~~

7 ~~“(3) Whenever there is an increase under subsection~~
 8 ~~(e)(1) in amounts in effect for the payment of disability~~
 9 ~~compensation and dependency and indemnity compensa-~~
 10 ~~tion, the Secretary shall publish such amounts, as in-~~
 11 ~~creased pursuant to such subsection, in the Federal Reg-~~
 12 ~~ister at the same time as the material required by section~~
 13 ~~215(i)(2)(D) of the Social Security Act (42 U.S.C.~~
 14 ~~415(i)(2)(D)) is published by reason of a determination~~
 15 ~~under section 215(i) of such Act (42 U.S.C. 415(i)).”.~~

16 ~~(b) EFFECTIVE DATE.—Subsection (e) of section~~
 17 ~~5312 of title 38, United States Code, as added by sub-~~
 18 ~~section (a) of this section, shall take effect on the first~~
 19 ~~day of the first calendar year that begins after the date~~
 20 ~~of the enactment of this Act.~~

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Veterans’ Compensation*
 23 *Cost-of-Living Adjustment Act of 2021”.*

1 **SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION**
 2 **AND DEPENDENCY AND INDEMNITY COM-**
 3 **PENSATION.**

4 (a) *RATE ADJUSTMENT.*—Effective on December 1,
 5 2021, the Secretary of Veterans Affairs shall increase, in
 6 accordance with subsection (c), the dollar amounts in effect
 7 on November 30, 2021, for the payment of disability com-
 8 pensation and dependency and indemnity compensation
 9 under the provisions specified in subsection (b).

10 (b) *AMOUNTS TO BE INCREASED.*—The dollar
 11 amounts to be increased pursuant to subsection (a) are the
 12 following:

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

16 (2) *ADDITIONAL COMPENSATION FOR DEPEND-*
 17 *ENTS.*—Each of the dollar amounts under section
 18 1115(1) of such title.

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

21 (4) *DEPENDENCY AND INDEMNITY COMPENSA-*
 22 *TION TO SURVIVING SPOUSE.*—Each of the dollar
 23 amounts under subsections (a) through (d) of section
 24 1311 of such title.

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

4 (c) *DETERMINATION OF INCREASE.*—*Each dollar*
 5 *amount described in subsection (b) shall be increased by the*
 6 *same percentage as the percentage by which benefit amounts*
 7 *payable under title II of the Social Security Act (42 U.S.C.*
 8 *401 et seq.) are increased effective December 1, 2021, as a*
 9 *result of a determination under section 215(i) of such Act*
 10 *(42 U.S.C. 415(i)).*

11 (d) *SPECIAL RULE.*—*The Secretary of Veterans Affairs*
 12 *may adjust administratively, consistent with the increases*
 13 *made under subsection (a), the rates of disability compensa-*
 14 *tion payable to persons under section 10 of Public Law 85–*
 15 *857 (72 Stat. 1263) who have not received compensation*
 16 *under chapter 11 of title 38, United States Code.*

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

18 *The Secretary of Veterans Affairs shall publish in the*
 19 *Federal Register the amounts specified in section 2(b), as*
 20 *increased under that section, not later than the date on*
 21 *which the matters specified in section 215(i)(2)(D) of the*
 22 *Social Security Act (42 U.S.C. 415(i)(2)(D)) are required*
 23 *to be published by reason of a determination made under*
 24 *section 215(i) of such Act during fiscal year 2022.*

Amend the title so as to read: “A bill to increase,
 effective as of December 1, 2021, the rates of compensa-

tion for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.”.

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