DEPARTMENT OF VETERANS AFFAIRS

Notice of Tribal Consultation on the Department of Veterans Affairs’ State Home Programs

AGENCY: Department of Veterans Affairs.

ACTION: Notice of tribal consultation.

SUMMARY: The Department of Veterans Affairs (VA) is seeking Tribal consultation to assist VA in implementing the requirements of section 3004 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (the Act). The Act amended the statutory authorities of two VA programs (the State Veterans Home Construction Grant Program and the State Home Per Diem Programs) so that Indian tribes were included in definitions for “state” and “state home.” VA is required to consult with Indian tribes to determine if any legislative or administrative action is necessary to modify these state home programs to function efficiently in support of state homes operated by Indian tribes pursuant to the amendments made by section 3004. Per section 3004(d)(2) of the Act, not later than 90 days after completing these consultations, VA must submit to the appropriate committees of Congress a report recommending legislative action that VA considers appropriate to modify the State Veterans Home Programs in light of those consultations. Per section 3004(d)(3), not later than 180 days after completing these consultations, VA must also make any modifications to regulations implementing the State Veterans Home Programs, for which legislative action is not necessary, as VA considers appropriate in light of those consultations. Therefore, in accordance with section 3004(d)(1), and prior to submitting a report to Congress and making any modifications to regulations, VA seeks consultation with American Indian and Alaska Native tribes.

Pursuant to section 1741 through 1745 of title 38, United States Code, VA provides per diem payments to states for eligible Veterans receiving domiciliary or nursing care in a state home. This is referred to as the State Home Per Diem Program, and VA has implemented this program through regulations in Part 51 of title 38, Code of Federal Regulations (CFR). Pursuant to 38 U.S.C. 8131 through 8138, VA provides funding to assist states to construct state home facilities (or to acquire facilities that are to be used as state homes facilities) for furnishing domiciliary or nursing home care to Veterans, and to expand, remodel or alter existing buildings for furnishing domiciliary, nursing home or adult day health care to Veterans in state homes. This program is referred to as the State Veterans Home Construction Grant Program and was implemented by VA through 38 CFR part 59.

While, historically, these two programs have been available only to states, section 3004 of the Act amended this by revising the definitions of state home in 38 U.S.C. 101(19) and state in 38 U.S.C. 8131(2) to include Indian tribes (as defined in 25 U.S.C. 5304), and adding a definition for state in 38 U.S.C. 1741 to include Indian tribes (as defined in 25 U.S.C. 5304). These changes allow American Indian and Alaska Native tribes to apply for the State Veterans Home Programs. As previously mentioned, section 3004 of the Act requires VA to consult with American Indian and Alaska Native tribes to determine if any legislative or administrative action is necessary to modify the State Veterans Home Programs to function efficiently in support of state homes operated by Indian tribes pursuant to the amendments made by section 3004. Per section 3004(d)(2) of the Act, not later than 90 days after completing these consultations, VA must submit to the appropriate committees of Congress a report recommending legislative action that VA considers appropriate to modify the State Veterans Home Programs in light of those consultations. Per section 3004(d)(3), not later than 180 days after completing these consultations, VA must also make any modifications to regulations implementing the State Veterans Home Programs, for which legislative action is not necessary, as VA considers appropriate in light of those consultations. Therefore, in accordance with section 3004(d)(1), and prior to submitting a report to Congress and making any modifications to regulations, VA seeks consultation with American Indian and Alaska Native tribes.

FURTHER INFORMATION CONTACT: Scotte Hartronft, M.D., Executive Director, Office of Geriatrics and Extended Care (12GEC), U.S. Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–461–6750. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2021, the Act, Public Law 116–315, was passed into law. Among other things, this legislation (per section 3004(a)–(c)) changed or added statutory definitions for “state home” and “state” with regard to VA’s State Veterans Home Construction Grant and State Home Per Diem Programs (hereinafter combinedly referred to as “State Veterans Home Programs”) to include Indian tribes (as defined in 25 U.S.C. 5304). Per section 3004(d)(1) of the Act, not later than 180 days after the date of enactment of the Act, VA must consult with Indian tribes to determine if any legislative or administrative action is necessary to modify the State Veterans Home Programs to function efficiently in support of state homes operated by Indian tribes pursuant to the amendments made by section 3004. Per section 3004(d)(2) of the Act, not later than 90 days after completing these consultations, VA must also submit to the appropriate committees of Congress a report recommending legislative action that VA considers appropriate to modify the State Veterans Home Programs in light of those consultations. Per section 3004(d)(3), not later than 180 days after completing these consultations, VA must also make any modifications to regulations implementing the State Veterans Home Programs, for which legislative action is not necessary, as VA considers appropriate in light of those consultations. Therefore, in accordance with section 3004(d)(1), and prior to submitting a report to Congress and making any modifications to regulations, VA seeks consultation with American Indian and Alaska Native tribes.

Written comments may be submitted by any of the following methods:

• Federal Rulemaking Portal at http://www.regulations.gov. Follow the online instructions for submitting comments.
• Email to tribalgovernmentconsultation@va.gov.
• By mail to U.S. Department of Veterans Affairs, Office of Geriatrics and Extended Care (12GEC), 810 Vermont Avenue NW, Washington, DC 20420. Comments should indicate that the submission is in response to “Notice of Tribal Consultation State Veterans Homes.”
• By direction of the Secretary.
• Maribel Aponte, VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

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DEPARTMENT OF VETERANS AFFAIRS

Veterans and Survivors Pension and Parents’ Dependency and Indemnity Compensation Cost of Living Adjustments Effective December 1, 2020

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: As required by law, VA is hereby giving notice of Cost-of-Living Adjustments (COLA) in certain benefit rates and income limitations. These COLAs affect the Pension and Parents’ Dependency and Indemnity Compensation (DIC) programs. The rate of the adjustment is tied to the increase in Social Security benefits effective December 1, 2020, as announced by the Social Security Administration (SSA). SSA has announced an increase of 1.3%.

DATES: The COLAs became effective December 1, 2020, as required by 38 U.S.C. 5312.

FOR FURTHER INFORMATION CONTACT: Terrence Minyard, Pension Analyst, Pension and Fiduciary Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–632–8863. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Under the provisions of 38 U.S.C. 5312 and section 306 of Public Law 95–588, VA is required to increase the benefit rates and income limitations in the Pension and Parents’ DIC programs by the same percentage, and effective the same date, as increases in the benefit amounts payable under Title II of the Social Security Act. VA is required to publish the increased rates and income limitations in the Federal Register.

The Social Security Administration announced a 1.3% COLA increase in Social Security benefits effective December 1, 2020. Therefore, applying the same percentage and rounding in accordance with 38 CFR 3.29, the following increased rates and income limitations for the VA Pension and Parents’ DIC programs became effective December 1, 2020:

Pension

Maximum Annual Rates—Veterans

(1) Veterans permanently and totally disabled (38 U.S.C. 1521):
  Veteran with no dependents, $13,931.
  Veteran with one dependent, $18,243.
  For each additional dependent, $2,382.

(2) Veterans in need of aid and attendance (38 U.S.C. 1521):