

107TH CONGRESS  
2D SESSION

# S. 2229

To amend title 38, United States Code, to authorize a cost-of-living increase in rates of disability compensation and dependency and indemnity compensation, and to revise the requirement for maintaining levels of extended-care services to veterans.

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## IN THE SENATE OF THE UNITED STATES

APRIL 23, 2002

Mr. ROCKEFELLER (by request) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to authorize a cost-of-living increase in rates of disability compensation and dependency and indemnity compensation, and to revise the requirement for maintaining levels of extended-care services to veterans.

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; REFERENCES TO TITLE 38,**  
4                               **UNITED STATES CODE.**

5               (a) SHORT TITLE.—This Act may be cited as the  
6       “Veterans Benefits Improvement Act of 2002”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the references shall be considered to be made to a section or other provision of title 38, United States Code.

## **TITLE I—INCREASE IN COMPENSATION RATES AND LIMITATIONS**

### **SEC. 101. INCREASE IN COMPENSATION RATES AND LIMITATIONS.**

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2002, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation (DIC) by the Secretary, as specified in subsection (b).

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

(1) COMPENSATION.—The dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—The dollar amounts in effect under section 1115(1) of such title.

1           (3) CLOTHING ALLOWANCE.—The dollar  
2 amount in effect under section 1162 of such title.

3           (4) NEW DIC RATES.—The dollar amounts in  
4 effect under paragraphs (1) and (2) of section  
5 1311(a) of such title.

6           (5) OLD DIC RATES.—The dollar amounts in ef-  
7 fect under paragraph (3) of section 1311(a) of such  
8 title.

9           (6) ADDITIONAL DIC FOR SURVIVING SPOUSES  
10 WITH MINOR CHILDREN.—The dollar amount in ef-  
11 fect under section 1311(b) of such title.

12           (7) ADDITIONAL DIC FOR DISABILITY.—The  
13 dollar amounts in effect under sections 1311(c) and  
14 1311(d) of such title.

15           (8) DIC FOR DEPENDENT CHILDREN.—The  
16 dollar amounts in effect under sections 1313(a) and  
17 1314 of such title.

18           (c) DETERMINATION OF INCREASE.—

19           (1) The increase under subsection (a) shall be  
20 made in the dollar amounts specified in subsection  
21 (b) as in effect on November 30, 2002.

22           (2) Except as provided in paragraph (3), each  
23 such amount shall be increased by the same percent-  
24 age as the percentage by which benefit amounts pay-  
25 able under title II of the Social Security Act (42

1 U.S.C. 401 et seq.) are increased effective December  
 2 1, 2002, as a result of a determination under section  
 3 215(i) of such Act (42 U.S.C. 415(i)).

4 (3) Each dollar amount increased pursuant to  
 5 paragraph (2) shall, if not a whole dollar amount, be  
 6 rounded down to the next lower whole dollar  
 7 amount.

8 (d) SPECIAL RULE.—The Secretary may adjust ad-  
 9 ministratively, consistent with the increases made under  
 10 subsection (a), the rates of disability compensation pay-  
 11 able to persons within the purview of section 101 of Public  
 12 Law 85–857 (72 Stat. 1263) who are not in receipt of  
 13 compensation payable pursuant to chapter 11 of title 38,  
 14 United States Code.

15 (e) PUBLICATION REQUIREMENT.—At the same time  
 16 as the matters specified in section 215(i)(2)(D) of the So-  
 17 cial Security Act (42 U.S.C. 415(i)(2)(D)) are required  
 18 to be published by reason of a determination made under  
 19 section 215(i) of such Act during fiscal year 2003, the  
 20 Secretary shall publish in the Federal Register the  
 21 amounts specified in subsection (b) as increased under  
 22 this section.

## 23 **TITLE II—HEALTH MATTERS**

### 24 **SEC. 201. NURSING HOME STAFFING LEVELS.**

25 Section 1710B(b) is amended to read as follows:

1       “(b)(1) The Secretary shall ensure that the staffing  
2 and level of extended care services, excluding nursing  
3 home care, provided by the Secretary nationally in facili-  
4 ties of the Department during any fiscal year is not less  
5 than the staffing and levels of such services provided na-  
6 tionally in facilities of the Department during fiscal year  
7 1998.

8       “(2) The Secretary shall ensure that the average  
9 daily census in nursing homes over which the Secretary  
10 has direct jurisdiction, plus the average daily census of  
11 veterans placed by the Secretary in community nursing  
12 homes pursuant to contract, plus the average daily census  
13 of veterans for which the Secretary pays per diem to  
14 States for nursing home care in a State nursing home,  
15 is not less in total than in fiscal year 1998.”.

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