

Public Law 110–324
110th Congress

An Act

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.

Sept. 24, 2008
[S. 2617]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

Veterans’
Compensation
Cost-of-Living
Adjustment Act
of 2008.
38 USC 101
note.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

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

Effective date.
38 USC 1114
note.

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

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

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

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

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—

(1) **PERCENTAGE.**—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

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

38 USC 1114
note.

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

Federal Register,
publication.
Deadline.
38 USC 1114
note.

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

SEC. 3. CODIFICATION OF 2007 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

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

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

(2) in subsection (b), by striking “\$225” and inserting “\$230”;

(3) in subsection (c), by striking “\$348” and inserting “\$356”;

(4) in subsection (d), by striking “\$501” and inserting “\$512”;

(5) in subsection (e), by striking “\$712” and inserting “\$728”;

(6) in subsection (f), by striking “\$901” and inserting “\$921”;

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

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

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

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

(11) in subsection (k)—

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

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

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

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

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

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

(16) in subsection (r), by striking “\$1,851” and “\$2,757” and inserting “\$1,893” and “\$2,820”, respectively; and

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

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

38 USC 1115.

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

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

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

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

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

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

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking “\$662” and inserting “\$677”.

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

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

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

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

(2) OLD LAW DIC.—The table in paragraph (3) 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.”

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

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

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

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

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

38 USC 1313.

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

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

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

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

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

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

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

(B) in subsection (b), by striking “\$452” and inserting “\$462”; and

(C) in subsection (c), by striking “\$225” and inserting “\$230”.

38 USC 1114
note.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2007.

Approved September 24, 2008.

LEGISLATIVE HISTORY—S. 2617 (H.R. 5826):

HOUSE REPORTS: No. 110–643 accompanying H.R. 5826 (Comm. on Veterans’ Affairs).

SENATE REPORTS: No. 110–430 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 154 (2008):

July 30, considered and passed Senate.

Sept. 9, 10, considered and passed House.