

111TH CONGRESS
1ST SESSION

S. 407

AN ACT

To amend title 38, United States Code, to provide for an increase, effective December 1, 2009, 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, to codify increases in the rates of such compensation that were effective as of December 1, 2008, 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’ Compensa-
5 tion Cost-of-Living Adjustment Act of 2009”.

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

9 (a) RATE ADJUSTMENT.—Effective on December 1,
10 2009, the Secretary of Veterans Affairs shall increase, in
11 accordance with subsection (c), the dollar amounts in ef-
12 fect on November 30, 2009, for the payment of disability
13 compensation and dependency and indemnity compensa-
14 tion under the provisions specified in subsection (b).

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

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

21 (2) ADDITIONAL COMPENSATION FOR DEPEND-
22 ENTS.—Each of the dollar amounts under section
23 1115(1) of such title.

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

1 (4) DEPENDENCY AND INDEMNITY COMPENSA-
2 TION TO SURVIVING SPOUSE.—Each of the dollar
3 amounts under subsections (a) through (d) of sec-
4 tion 1311 of such title.

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

8 (c) DETERMINATION OF INCREASE.—

9 (1) PERCENTAGE.—Except as provided in para-
10 graph (2), each dollar amount described in sub-
11 section (b) shall be increased by the same percentage
12 as the percentage by which benefit amounts payable
13 under title II of the Social Security Act (42 U.S.C.
14 401 et seq.) are increased effective December 1,
15 2009, as a result of a determination under section
16 215(i) of such Act (42 U.S.C. 415(i)).

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

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

1 compensation under chapter 11 of title 38, United States
2 Code.

3 (e) PUBLICATION OF ADJUSTED RATES.—The Sec-
4 retary of Veterans Affairs shall publish in the Federal
5 Register the amounts specified in subsection (b), as in-
6 creased under subsection (a), not later than the date on
7 which the matters specified in section 215(i)(2)(D) of the
8 Social Security Act (42 U.S.C. 415(i)(2)(D)) are required
9 to be published by reason of a determination made under
10 section 215(i) of such Act during fiscal year 2010.

11 **SEC. 3. CODIFICATION OF 2008 COST-OF-LIVING ADJUST-**
12 **MENT IN RATES OF DISABILITY COMPENSA-**
13 **TION AND DEPENDENCY AND INDEMNITY**
14 **COMPENSATION.**

15 (a) VETERANS' DISABILITY COMPENSATION.—Sec-
16 tion 1114 of title 38, United States Code, is amended—

17 (1) in subsection (a), by striking “\$117” and
18 inserting “\$123”;

19 (2) in subsection (b), by striking “\$230” and
20 inserting “\$243”;

21 (3) in subsection (c), by striking “\$356” and
22 inserting “\$376”;

23 (4) in subsection (d), by striking “\$512” and
24 inserting “\$541”;

1 (5) in subsection (e), by striking “\$728” and
2 inserting “\$770”;

3 (6) in subsection (f), by striking “\$921” and
4 inserting “\$974”;

5 (7) in subsection (g), by striking “\$1,161” and
6 inserting “\$1,228”;

7 (8) in subsection (h), by striking “\$1,349” and
8 inserting “\$1,427”;

9 (9) in subsection (i), by striking “\$1,517” and
10 inserting “\$1,604”;

11 (10) in subsection (j), by striking “\$2,527” and
12 inserting “\$2,673”;

13 (11) in subsection (k)—

14 (A) by striking “\$91” both places it ap-
15 pears and inserting “\$96”; and

16 (B) by striking “\$3,145” and “\$4,412”
17 and inserting “\$3,327” and “\$4,667”, respec-
18 tively;

19 (12) in subsection (l), by striking “\$3,145” and
20 inserting “\$3,327”;

21 (13) in subsection (m), by striking “\$3,470”
22 and inserting “\$3,671”;

23 (14) in subsection (n), by striking “\$3,948”
24 and inserting “\$4,176”;

1 (15) in subsections (o) and (p), by striking
2 “\$4,412” each place it appears and inserting
3 “\$4,667”;

4 (16) in subsection (r), by striking “\$1,893” and
5 “\$2,820” and inserting “\$2,002” and “\$2,983”, re-
6 spectively; and

7 (17) in subsection (s), by striking “\$2,829” and
8 inserting “\$2,993”.

9 (b) ADDITIONAL COMPENSATION FOR DEPEND-
10 ENTS.—Section 1115(1) of such title is amended—

11 (1) in subparagraph (A), by striking “\$142”
12 and inserting “\$150”;

13 (2) in subparagraph (B), by striking “\$245”
14 and “\$71” and inserting “\$259” and “\$75”, respec-
15 tively;

16 (3) in subparagraph (C), by striking “\$96” and
17 “\$71” and inserting “\$101” and “\$75”, respec-
18 tively;

19 (4) in subparagraph (D), by striking “\$114”
20 and inserting “\$120”;

21 (5) in subparagraph (E), by striking “\$271”
22 and inserting “\$286”; and

23 (6) in subparagraph (F), by striking “\$227”
24 and inserting “\$240”.

1 (c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED
 2 VETERANS.—Section 1162 of such title is amended by
 3 striking “\$677” and inserting “\$716”.

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

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

8 (A) in paragraph (1), by striking “\$1,091”
 9 and inserting “\$1,154”; and

10 (B) in paragraph (2), by striking “\$233”
 11 and inserting “\$246”.

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

“Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$1,154	W-4	\$1,380
E-2	\$1,154	O-1	\$1,219
E-3	\$1,154	O-2	\$1,260
E-4	\$1,154	O-3	\$1,347
E-5	\$1,154	O-4	\$1,427
E-6	\$1,154	O-5	\$1,571
E-7	\$1,194	O-6	\$1,771
E-8	\$1,260	O-7	\$1,912
E-9	\$1,314 ¹	O-8	\$2,100
W-1	\$1,219	O-9	\$2,246
W-2	\$1,267	O-10	\$2,463 ²
W-3	\$1,305		

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 \$1,419.

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 \$2,643.”.

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

1 (A) in subsection (b), by striking “\$271”
2 and inserting “\$286”;

3 (B) in subsection (c), by striking “\$271”
4 and inserting “\$286”; and

5 (C) in subsection (d), by striking “\$128”
6 and inserting “\$135”.

7 (e) DEPENDENCY AND INDEMNITY COMPENSATION
8 FOR CHILDREN.—

9 (1) DIC WHEN NO SURVIVING SPOUSE.—Sec-
10 tion 1313(a) of such title is amended—

11 (A) in paragraph (1), by striking “\$462”
12 and inserting “\$488”;

13 (B) in paragraph (2), by striking “\$663”
14 and inserting “\$701”;

15 (C) in paragraph (3), by striking “\$865”
16 and inserting “\$915”; and

17 (D) in paragraph (4), by striking “\$865”
18 and “\$165” and inserting “\$915” and “\$174”,
19 respectively.

20 (2) SUPPLEMENTAL DIC FOR CERTAIN CHIL-
21 DREN.—Section 1314 of such title is amended—

22 (A) in subsection (a), by striking “\$271”
23 and inserting “\$286”;

24 (B) in subsection (b), by striking “\$462”
25 and inserting “\$488”; and

1 (C) in subsection (c), by striking “\$230”
2 and inserting “\$243”.

3 (f) DEPENDENCY AND INDEMNITY COMPENSATION
4 PAYABLE TO PARENTS.—Section 1315 is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1), by striking “\$163”
7 and inserting “\$569”; and

8 (B) in paragraph (3), by striking “\$4,038”
9 and inserting “\$13,456”;

10 (2) in subsection (c)—

11 (A) in paragraph (1), by striking “\$115”
12 and inserting “\$412”; and

13 (B) in paragraph (3), by striking “\$4,038”
14 and inserting “\$13,456”;

15 (3) in subsection (d)—

16 (A) in paragraph (1), by striking “\$109”
17 and inserting “\$387”; and

18 (B) in paragraph (3), by striking “\$5,430”
19 and inserting “\$18,087”; and

20 (4) in subsection (g), by striking “\$85” and in-
21 serting “\$308”.

1 (g) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on December 1, 2008.

Passed the Senate June 10, 2009.

Attest:

Secretary.

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