

Health Administration (VHA) will use input received from tribal leaders to inform Congress of any recommended legislative action appropriate to modify the State Veterans Home Programs and related implementation regulations.

### Tribal Consultation

Pursuant to changes made by section 3004 of the Act, VA is seeking written comments from tribal leaders and representatives on what legislative, regulatory and administrative modifications may be necessary to support State Veterans Homes operated by American Indian and Alaska Native tribes. Through this tribal consultation, the Secretary seeks information on the questions listed below. Comments do not need to address every question and should focus on those that relate to their expertise or perspectives. To the extent possible, please clearly indicate which questions you address in your response and include any rationale and information to support your response.

1. Are changes to 38 U.S.C. 1741 through 1745 needed so that the State Home Per Diem Program functions efficiently in support of state homes operated by American Indian and Alaska Native tribes (as defined in 25 U.S.C. 5304)? If so, what changes do you recommend be made to these authorities and why?

2. Are changes to 38 U.S.C. 8131 through 8138 needed so that the State Home Construction Grant Program functions efficiently in support of state homes operated by American Indian and Alaska Native tribes (as defined in 25 U.S.C. 5304)? If so, what changes do you recommend be made to these authorities and why?

3. Are changes to 38 CFR part 51 needed so that the State Home Per Diem Program functions efficiently in support of state homes operated by American Indian and Alaska Native tribes (as defined in 25 U.S.C.

4. 5304)? If so, what changes do you recommend be made to the regulations and why? These regulations are located at: <https://www.ecfr.gov/cgi-bin/text-id?SID=7e1be46cc62e7f0ecde2ac13524459d5&mc=true&node=pt38.2.51&rgn=div5>.

5. Are changes to 38 CFR part 59 needed so that the State Home Construction Grant Program functions efficiently in support of state homes operated by American Indian and Alaska Native tribes (as defined in 25 U.S.C. 5304)? If so, what changes do you recommend be made to the regulations and why? These regulations are located at: <https://www.ecfr.gov/cgi-bin/text-id?SID=7e1be46cc62>

[e7f0ecde2ac13524459d5&mc=true&node=pt38.2.59&rgn=div5](https://www.ecfr.gov/cgi-bin/text-id?SID=7e1be46cc62e7f0ecde2ac13524459d5&mc=true&node=pt38.2.59&rgn=div5).

6. What administrative actions, if any, do you recommend are needed to modify the State Veterans Home Programs to function efficiently in support of state Veterans homes operated by American Indian and Alaska Native tribes (as defined in 25 U.S.C. 5304)?

### Webinar

As part of this tribal consultation, and so tribes can provide thoughtful and thorough responses to the questions above, VA is providing tribes with a virtual webinar that will provide detailed information about the State Veterans Home Programs. On May 25, 2021, VHA will provide an educational virtual webinar session that will include describing the requirements for receiving a State Veterans Home Construction Program grant; how to seek recognition and certification of a state Veterans home; how per diem payments are calculated; and the requirements to receive per diem payments. The webinar is an additional opportunity for participants to get questions answered, and to engage in an open discussion with leaders of the VA Office of Geriatrics and Extended Care about how VHA can better serve the long term and geriatric care needs of American Indian and Alaska Native Veterans. The webinar is voluntary. Registration for this event is located at <https://veteransaffairs.webex.com/veteransaffairs/onstage/g.php?MTID=e45a91c0eb17719cd7b724f96d810cf83>.

### Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on May 13, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

### Luvenia Potts,

*Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, 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):

Veteran with no dependents, \$23,238.  
 Veteran with one dependent, \$27,549.  
 For each additional dependent,  
 \$2,382.

(3) Veterans who are housebound (38 U.S.C. 1521):  
 Veteran with no dependents, \$17,024.  
 Veteran with one dependent, \$21,337.  
 For each additional dependent,  
 \$2,382.

(4) Two Veterans married to one another, combined rates (38 U.S.C. 1521):

Neither Veteran in need of aid and attendance or housebound, \$18,243.  
 Either Veteran in need of aid and attendance, \$27,549.

Both Veterans in need of aid and attendance, \$36,861.

Either Veteran housebound, \$21,337.  
 Both Veterans housebound, \$24,428.  
 One Veteran housebound and one Veteran in need of aid and attendance, \$30,635.

For each dependent child, \$2,382.  
 (5) Net worth limit under 38 CFR 3.274(a):

For purposes of entitlement to VA pension, the net worth limit effective December 1, 2020, is \$130,773.

(6) Monthly Penalty Rate under 38 CFR 3.276(e)(1):

The monthly penalty rate is \$2,295.  
 Mexican border period and World War I Veterans: The applicable maximum annual rate payable to a Mexican border period or World War I Veteran under this table shall be the applicable rate under paragraph (1)–(4), increased by \$3,166. (38 U.S.C. 1521(g)).

#### Maximum Annual Rates—Survivor Beneficiaries

(7) Surviving spouse alone and with a child or children of the deceased Veteran in custody of the surviving spouse (38 U.S.C. 1541):

Surviving spouse alone, \$9,344.  
 Surviving spouse and one child in his or her custody, \$12,229.

For each additional child in his or her custody, \$2,382.

(8) Surviving spouses in need of aid and attendance (38 U.S.C. 1541, 1536):

Surviving spouse alone, \$14,934.  
 Surviving spouse with one child in custody, \$17,815.

Surviving Spouse of Spanish-American War Veteran alone, \$15,539.

Surviving Spouse of Spanish-American War Veteran with one child in custody, \$18,355.

For each additional child in his or her custody, \$2,382.

(9) Surviving spouses who are housebound (38 U.S.C. 1541):

Surviving spouse alone, \$11,420.

Surviving spouse and one child in his or her custody, \$14,300.

For each additional child in his or her custody, \$2,382.

(10) Surviving child alone (38 U.S.C. 1542), \$2,382.

(11) Net worth limit under 38 CFR 3.274(a):

For purposes of entitlement to VA pension, the net worth limit effective December 1, 2020, is \$130,773.

(12) Monthly Penalty Rate under 38 CFR 3.276(e)(1):

The monthly penalty rate effective December 1, 2020, is \$2,295.

Reduction for income: The rate payable is the applicable maximum rate minus the countable annual income of the eligible person. (38 U.S.C. 1521, 1541 and 1542).

#### Section 306 Pension Income Limitations

Veteran or surviving spouse with no dependents, \$15,845 (Pub. L. 95–588, section 306(a)).

Veteran in need of aid and attendance with no dependents, \$16,415 (38 U.S.C. 1521(d) as in effect on December 31, 1978).

Veteran or surviving spouse with one or more dependents, \$21,298 (Pub. L. 95–588, section 306(a)).

Veteran in need of aid and attendance with one or more dependents, \$21,866 (38 U.S.C. 1521(d) as in effect on December 31, 1978).

Child (no entitled Veteran or surviving spouse), \$12,956 (Pub. L. 95–588, section 306(a)).

Spouse income exclusion (38 CFR 3.262), \$5,060 (Pub. L. 95–588, section 306(a)(2)(B)).

#### Old-Law Pension Income Limitations

Veteran or surviving spouse without dependents or an entitled child, \$13,875 (Pub. L. 95–588, section 306(b)).

Veteran or surviving spouse with one or more dependents, \$19,997 (Pub. L. 95–588, section 306(b)).

#### Parents' DIC

DIC shall be paid monthly to parents of a deceased Veteran in the following amounts (38 U.S.C. 1315):

*One parent (38 U.S.C. 1315(b)):* If there is only one parent, the monthly rate of DIC paid to such parent shall be \$672, reduced on the basis of the parent's annual income according to the following formula:

For each \$1 of annual income which is more than \$0.00 but not more than \$800, the \$672 monthly rate shall not be reduced.

For each \$1 of annual income which is more than \$800 but not more than \$9,138, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$9,138, the monthly rate will not be reduced.

No Parents' DIC is payable under this table if annual income exceeds \$15,845.

*One parent who has remarried:* If there is only one parent and the parent has remarried and is living with the parent's spouse, DIC shall be paid under 38 U.S.C. 1315(b) or under 38 U.S.C. 1315(d), whichever shall result in the greater benefit being paid to the Veteran's parent. In the case of remarriage, the total combined annual income of the parent and the parent's spouse shall be counted in determining the monthly rate of DIC.

*One of two parents not living with spouse (38 U.S.C. 1315(c)):* The rates below apply to (1) two parents who are not living together, or (2) an unmarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be \$487 reduced on the basis of each parent's annual income, according to the following formula:

For each \$1 of annual income which is more than \$0 but not more than \$800, the \$487 monthly rate shall not be reduced.

For each \$1 of annual income which is more than \$800 but not more than \$6,825, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$6,825, the monthly rate shall not be reduced.

No Parents' DIC is payable under this table if annual income exceeds \$15,845.

*One of two parents living with spouse or other parent (38 U.S.C. 1315(d)):* The rates below apply to each parent living with another parent; and each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be \$458 reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

For each \$1 of annual income which is more than \$0 but not more than \$1,000, the \$458 monthly rate shall not be reduced.

For each \$1 of annual income which is more than \$1,000 but not more than \$1,400, the monthly rate shall be reduced by \$0.03.

For each \$1 of annual income which is more than \$1,400 but not more than \$1,700, the monthly rate shall be reduced by \$0.04.

For each \$1 of annual income which is more than \$1,700 but not more than \$2,000, the monthly rate shall be reduced by \$0.05.

For each \$1 of annual income which is more than \$2,000 but not more than \$2,300, the monthly rate shall be reduced by \$0.06.

For each \$1 of annual income which is more than \$2,300 but not more than \$2,600, the monthly rate shall be reduced by \$0.07.

For each \$1 of annual income which is more than \$2,600 but not more than \$7,225, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$7,225, the monthly rate shall not be reduced.

No Parents' DIC is payable if the annual income exceeds \$21,298.

These rates are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and

spouse, if this would be a greater benefit than that specified in the rates for 38 U.S.C. 1315(b) for one parent.

*Aid and attendance:* The monthly rate of DIC payable to a parent per the guidelines above shall be increased by \$364 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

*Minimum rate:* The monthly rate of DIC payable to any parent shall not be less than \$5.

#### **Signing Authority**

Denis McDonough, Secretary of Veterans Affairs, approved this document on May 10, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

#### **Luvenia Potts,**

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