Suspend the Rules and Pass the Bill, H.R. 4772, With an Amendment
(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
2D SESSION

H. R. 4772

To amend title 38, United States Code, to improve the application and review process of the Department of Veterans Affairs for clothing allowance claims submitted by veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2021

Mr. LEVIN of California (for himself and Mr. MOORE of Alabama) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the application and review process of the Department of Veterans Affairs for clothing allowance claims submitted by veterans, 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 “Mark O’Brien VA
5 Clothing Allowance Improvement Act”.
SEC. 2. IMPROVEMENTS TO PROCESS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR CLOTHING ALLOWANCE CLAIMS.

(a) Process for Clothing Allowance Claims.—Section 1162 of title 38, United States Code, is amended—

(1) by striking “The Secretary under” and inserting:

“(a) Eligibility Requirements.—The Secretary, under”;

(2) in paragraph (2)—

(A) by striking “which (A) a physician” and inserting: “which—”

“(A) a physician”; and

(B) by striking “, and (B) the Secretary” and inserting “; and”

“(B) the Secretary”; and

(3) by adding at the end the following new subsections:

“(b) Continuous Nature of Payments.—Payments made to a veteran under subsection (a) shall continue on an automatically recurring annual basis until the earlier of the following:

“(1) The date on which the veteran elects to no longer receive such payments.
“(2) The date on which the Secretary determines the veteran no longer eligible pursuant to subsection (d).

“(c) REVIEWS OF CLAIM.—(1) Except as provided in paragraph (2)(B), the Secretary shall conduct reviews of the claim on which the clothing allowance is based to determine the continued eligibility of the veteran as follows:

“(A) Beginning not earlier than five years after the date on which a veteran initially receives a clothing allowance under this section and on a periodic basis thereafter.

“(B) Whenever the Secretary receives notice that the veteran no longer meets the requirements specified in subsection (a).

“(2)(A) The Secretary shall prescribe in regulations standards for determining whether a claim for clothing allowance is based on a circumstance that is not subject to change.

“(B) If the Secretary determines, pursuant to such standards, that a claim for clothing allowance is based on a circumstance that is not subject to change, paragraph (1)(A) shall not apply with respect to the claim.

“(d) DETERMINATION REGARDING CONTINUED ELIGIBILITY.—If the Secretary determines, as the result of a review of a claim conducted under subsection (e)(1), that
the veteran who submitted such claim no longer meets the requirements specified in subsection (a), the Secretary shall—

“(1) provide to the veteran notice of such determination that includes a description of applicable actions that may be taken following the determination, including the actions specified in section 5104C of this title; and

“(2) discontinue the clothing allowance based on such claim.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to—

(1) claims for clothing allowance submitted on or after the date of the enactment of this Act; and

(2) claims for clothing allowance submitted prior to the date of the enactment of this Act, if the veteran who submitted such claim is in receipt of the clothing allowance as of the date of the enactment of this Act.

SEC. 3. ADJUSTMENTS OF CERTAIN LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking “January 14, 2031” each place it appears and inserting “January 15, 2031”.
SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.