

117TH CONGRESS
1ST 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”.

1 **SEC. 2. IMPROVEMENTS TO PROCESS OF THE DEPART-**
2 **MENT OF VETERANS AFFAIRS FOR CLOTHING**
3 **ALLOWANCE CLAIMS.**

4 (a) PROCESS FOR CLOTHING ALLOWANCE CLAIMS.—

5 Section 1162 of title 38, United States Code, is amend-
6 ed—

7 (1) by striking “The Secretary under” and in-
8 serting:

9 “(a) ELIGIBILITY REQUIREMENTS.—The Secretary,
10 under”;

11 (2) in paragraph (2)—

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

14 “(A) a physician”; and

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

17 “(B) the Secretary”; and

18 (3) by adding at the end the following new sub-
19 sections:

20 “(b) CONTINUOUS NATURE OF PAYMENTS.—Pay-
21 ments made to a veteran under subsection (a) shall con-
22 tinue on an automatically recurring annual basis until the
23 earlier of the following:

24 “(1) The date on which the veteran elects to no
25 longer receive such payments.

1 “(2) The date on which the Secretary deter-
2 mines the veteran no longer eligible pursuant to sub-
3 section (d).

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

8 “(A) Beginning not earlier than five years after
9 the date on which a veteran initially receives a cloth-
10 ing allowance under this section and on a periodic
11 basis thereafter.

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

15 “(2)(A) The Secretary shall prescribe in regulations
16 standards for determining whether a claim for clothing al-
17 lowance is based on a circumstance that is not subject to
18 change.

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

23 “(d) **DETERMINATION REGARDING CONTINUED ELI-**
24 **GIBILITY.**—If the Secretary determines, as the result of
25 a review of a claim conducted under subsection (c)(1), that

1 the veteran who submitted such claim no longer meets the
2 requirements specified in subsection (a), the Secretary
3 shall—

4 “(1) provide to the veteran notice of such deter-
5 mination that includes a description of applicable ac-
6 tions that may be taken following the determination,
7 including the actions specified in section 5104C of
8 this title; and

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

11 (b) APPLICABILITY.—The amendments made by sub-
12 section (a) shall apply with respect to—

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

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

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