

117TH CONGRESS
2D SESSION

H. R. 4772

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2022

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mark O’Brien VA
3 Clothing Allowance Improvement Act”.

4 **SEC. 2. IMPROVEMENTS TO PROCESS OF THE DEPART-**
5 **MENT OF VETERANS AFFAIRS FOR CLOTHING**
6 **ALLOWANCE CLAIMS.**

7 (a) PROCESS FOR CLOTHING ALLOWANCE CLAIMS.—

8 Section 1162 of title 38, United States Code, is amend-
9 ed—

10 (1) by striking “The Secretary under” and in-
11 serting:

12 “(a) ELIGIBILITY REQUIREMENTS.—The Secretary,
13 under”;

14 (2) in paragraph (2)—

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

17 “(A) a physician”; and

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

20 “(B) the Secretary”; and

21 (3) by adding at the end the following new sub-
22 sections:

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

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

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

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

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

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

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

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

1 “(d) DETERMINATION REGARDING CONTINUED ELI-
 2 GIBILITY.—If the Secretary determines, as the result of
 3 a review of a claim conducted under subsection (c)(1), that
 4 the veteran who submitted such claim no longer meets the
 5 requirements specified in subsection (a), the Secretary
 6 shall—

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

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

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

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

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

23 **SEC. 3. ADJUSTMENTS OF CERTAIN LOAN FEES.**

24 The loan fee table in section 3729(b)(2) of title 38,
 25 United States Code, is amended by striking “January 14,

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

Passed the House of Representatives December 1,
2022.

Attest: **CHERYL L. JOHNSON,**
Clerk.