

117TH CONGRESS
1ST SESSION

S. _____

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 SENATE OF THE UNITED STATES

Ms. CORTEZ MASTO (for herself and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on

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 “Brian Neuman Depart-
5 ment of Veterans Affairs Clothing Allowance Improvement
6 Act of 2021”.

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 the following: “; 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 is no longer eligible pursuant to
3 subsection (d).

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

9 “(A) Beginning not earlier than five years after
10 the date on which the veteran initially receives a
11 clothing allowance under this section and on a peri-
12 odic basis thereafter.

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

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

20 “(B) If the Secretary determines, pursuant to stand-
21 ards prescribed under subparagraph (A), that a claim for
22 clothing allowance is based on a circumstance that is not
23 subject to change, paragraph (1)(A) shall not apply with
24 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.