

**NATIONAL ORGANIZATION OF VETERANS' ADVOCATES, INC.**



**Statement for the Record**

**Before the**

**House Committee on Veterans' Affairs  
Subcommittee on Disability Assistance and Memorial Affairs**

**on**

**Pending Legislation**

**February 3, 2026**

Chairman Luttrell, Ranking Member McGarvey, and members of the DAMA Subcommittee, thank you for the opportunity to offer our views on pending legislation.

NOVA is a not-for-profit 501(c)(6) educational membership organization incorporated in the District of Columbia in 1993. NOVA represents over 900 accredited attorneys, agents, and other qualified members practicing across the country and assisting tens of thousands of our nation's military veterans, survivors, family members, and caregivers seeking to obtain their earned benefits from VA. NOVA members advocate for their clients before the Department of Veterans Affairs (VA), Board of Veterans' Appeals (Board), U.S. Court of Appeals for Veterans Claims (CAVC), U.S. Court of Appeals for the Federal Circuit (Federal Circuit), and U.S. Supreme Court. NOVA works to develop and encourage high standards of service and representation for all persons seeking VA benefits.

NOVA advocates for laws and policies that advance the rights of veterans. For example, NOVA collaborated with Veteran Service Organizations (VSOs) and other accredited representatives, VA, and Congress on appeals modernization reform. Those efforts resulted in passage of the *Veterans Appeals Improvement and Modernization Act* (AMA), P.L. 115-55, 131 Stat. 1105, which was signed into law in 2017. At the time of its passage, VA emphasized the AMA would provide claimants with more choice and control over the disability claims and appeals adjudication process by expanding their review options.

NOVA also advances important cases and files amicus briefs in others. *See, e.g., NOVA v. Secretary of Veterans Affairs*, 710 F.3d 1328 (Fed. Cir. 2013) (addressing VA's failure to honor its commitment to stop applying an invalid rule); *Procopio v. Wilkie*, 913 F.3d 1371 (Fed. Cir. 2019) (amicus); *NOVA v. Secretary of Veterans Affairs*, 981 F.3d 1360 (Fed. Cir. 2020) (M21-1 rule was interpretive rule of general applicability and agency action subject to judicial review); *National Organization of Veterans' Advocates, Inc., et al., v. Secretary of Veterans Affairs*, 981 F.3d 1360 (2022) (Federal Circuit invalidated knee replacement rule); *Arellano v. McDonough*, 598 U.S. 1 (2023) (amicus); *Terry v. McDonough*, 37 Vet.App. 1 (2023) (amicus); *Bufkin v. Collins*, 604 U.S. \_\_\_\_ (2025) (amicus).

A critical part of NOVA's mission is to educate advocates. NOVA currently conducts two conferences per year, each offering approximately 15 hours of continuing legal education (CLE) credit for attendees. Experts from within and outside the membership present and train on the latest developments and best practices in veterans law and policy. NOVA sustaining members must participate in at least one conference every 24 months to maintain eligibility to appear in our public-facing advocate directory. In addition to conferences, NOVA offers webinars, online support, peer-to-peer mentorship, and other guidance to its members to enhance their advocacy skills.

NOVA provides feedback on the following bills.

### **H.R. 1004, Love Lives On Act of 2025**

NOVA continues its **support** for H.R. 1004, Love Lives On Act of 2025. This important bipartisan legislation, which currently has 128 cosponsors, would remove the bar to furnishing benefits to surviving spouses who remarry before the age of 55 and restore certain benefits to surviving spouses who remarried before age 55. Many surviving spouses forego remarriage due to the impending loss of important earned benefits that provide long-term security to themselves and their families. Congress should promptly remedy this injustice.

### **H.R. 1685, Justice for ALS Veterans of 2025**

NOVA **supports** H.R. 1685, Justice for ALS Veterans of 2025, which would extend increased dependency and indemnity (DIC) compensation to the surviving spouse of veteran who dies from amyotrophic lateral sclerosis (ALS) regardless of how long the veteran had ALS prior to death. Current law only provides for enhanced DIC benefits for surviving spouses of veterans who were rated totally disabled for at least eight years prior to death. Given the devastating effects of this disease on veterans and their families, expansion of DIC would provide critical benefits to this population of survivors.

### **H.R. 4469, Providing Radiation Exposed Servicemembers Undisputed Medical Eligibility (PRESUME) Act**

NOVA **supports** H.R. 4469, Providing Radiation Exposed Servicemembers Undisputed Medical Eligibility (PRESUME) Act. This bill will help all veterans who have been exposed to radiation get proper consideration by VA in their radiation-related claims.

### **H.R. 5339, Susan E. Lukas 9/11 Servicemember Fairness Act**

NOVA **supports** H.R. 5339, Susan E. Lukas 9/11 Servicemember Fairness Act. This bill will extend presumptive service connection for certain conditions to those who served on active duty at the Pentagon between September 11, 2001, and November 19, 2001.

## **H.R. 5723, Fraud Reduction And Uncovering Deception (FRAUD) in VA Disability Exam Act**

NOVA **supports the intent** of H.R. 5723, **but amendments are needed**. NOVA supports ensuring proper investigation of those who submit fraudulent disability benefit questionnaires (DBQs) in support of VA disability benefits claims. However, the bill as written is not sufficiently detailed and could result in veterans being unfairly targeted.

Specifically, under proposed 38 U.S.C. § 5322(a)(3), notice must be expanded. As currently written, this subsection would require the Secretary to only inform “the individual who submitted the disability benefit questionnaire form or claim.” This notice is not sufficiently specific. This subsection should be amended as follows: “with respect to such disability benefit questionnaire forms or such claims that the Secretary suspects may contain fraudulent information, informing the following individuals of suspicion of fraudulent activity: (1) the individual who signed the disability benefit questionnaire; (2) the claimant in connection with whose claim the disability questionnaire was submitted; and (3) that claimant’s representative, if any.”

NOVA is also concerned about the broad language found at proposed subsection 5322(c)(2), which would permit VA to upset final, favorable decisions when the individual convicted is not the veteran. In those instances, the claimant may be unaware of the fraud. Unless the claimant is convicted of fraud, overturning final grants would punish the wrong person. We recommend the following change: “Paragraph (1) shall not apply in any case in which, pursuant to an investigation of the Inspector General under subsection (b), the claimant is convicted by a court of competent jurisdiction of a crime relating to fraudulent activity in the submission to the Secretary of evidence supporting a claim for benefits under laws administered by the Secretary.”

Congress should also consider that the unfettered rise of unaccredited claims consultants and coaches has resulted in the submission of thousands of DBQs. It is unclear if VA is tracking these submissions since VA has no way of knowing if anyone is assisting a pro se veteran. These unaccredited individuals operate behind the scenes and are unaccountable to VA (unlike accredited VSOs, attorneys, and agents). Congress should seek specific information from VA about any current efforts to track these submissions and require VA to seek additional information from veterans – as simple as a checkbox on a form – regarding any assistance received from an outside company.

## **H.R. 6698, Board of Veterans’ Appeals Annual Report Transparency Act of 2025**

NOVA **supports the intent** of H.R. 6698 and recommends two changes. First, Congress should define what “timely” disposition means. Second, Congress should require all

reporting to distinguish between those cases that are advanced on the docket versus those that are not advanced.

### **Conclusion**

NOVA appreciates the opportunity to present its views to the Subcommittee. We remain committed to working with this Committee, VA, and accredited stakeholders to improve the VA disability and claims adjudication process for veterans, survivors, family members, and caregivers.

#### For more information:

NOVA staff would be happy to assist you with any further inquiries you may have regarding our views on this important topic. For questions regarding this testimony or if you would like to request additional information, please feel free to contact Diane Boyd Rauber by calling NOVA's office at (202) 587-5708 or by emailing Diane directly at [drauber@vetadvocates.org](mailto:drauber@vetadvocates.org).