

**STATEMENT OF
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U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES**

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Chairman Luttrell, Ranking Member McGarvey, and other Members of the Subcommittee, thank you for inviting us here today to present our views on several bills that would affect VA programs and services. Joining me today is Mr. Glenn Powers, Deputy Under Secretary for Field Programs and Cemetery Operations, National Cemetery Administration, and Mr. James Smith, Deputy Executive Director, Compensation Service, Veterans Benefits Administration. I appreciate the opportunity to discuss the important pieces of legislation affecting Veterans pending before this Subcommittee.

H.R. 1685 Justice for ALS Veterans Act of 2025

Section 2 of this bill amends 38 U.S.C. § 1311 to ensure that surviving spouses of Veterans who die from ALS receive the increased Dependency and Indemnity Compensation under § 1311(a)(2), commonly called the ‘eight and eight’ kicker, regardless of how long the Veteran had the disease. Currently, this additional benefit applies only when the Veteran was totally disabled for eight years prior to death and married for that same period. The bill removes that eight-year requirement for ALS cases but keeps the length of marriage requirement. It also applies to deaths on or after October 1, 2025, and directs VA to report on other high-mortality conditions.

VA supports the intent to provide this benefit to ALS-affected families.

We also support the goal of Section 3 to review other rapidly progressive diseases, like cancer or Parkinson’s, but note the bill lacks criteria for defining “high mortality rate.” Clear standards are needed to ensure consistent implementation with congressional intent.

Position: VA supports the intent of this bill if amended, however, VA is unable to assess the impact to budgetary resources and therefore will follow up with the committee once this evaluation is complete or the Congressional Budget Office has provided a score.

H.R. 2164 Dayton National Cemetery Expansion Act of 2025

This bill would require VA to enter into an agreement with the Montgomery County Land Bank to acquire land near Dayton National Cemetery for future expansion. VA does not support this bill.

VA has an established policy on expansion processes in National Cemetery Administration (NCA) Directive 3001. This directive provides statutory references, establishes mandatory policy for the establishment, expansion, and replacement of VA national cemeteries, as well as detailed decision criteria for expanding, replacing, or closing an existing national cemetery.

NCA monitors the rates at which each cemetery will deplete capacity for each type of burial it provides. Current projections show that Dayton National Cemetery has sufficient burial space until at least 2050, and NCA and the Veterans Health Administration (VHA) are already exploring transfer of excess and unneeded land from the co-located medical center, which is VA's preferred and standard approach.

The bill raises several other concerns as well. It mandates VA to accept land even if we have no need for it, and without time limits on acquisition. Although the transfer is described as "no cost," VA would bear significant potential expenses to clear structures, remediate hazards, and maintain the property. The land also includes occupied homes, raising the risk of displacing families and creating the impression VA endorses that outcome.

VA remains committed to using existing property to meet burial needs before pursuing new acquisitions.

Position: VA does not support this bill.

H.R. 1004 Love Lives On Act of 2025

Section 2 of this bill would amend 38 U.S.C. § 103(d) by restructuring and expanding exceptions to the remarriage bar for Dependency and Indemnity Compensation (DIC) and Medal of Honor Pension. VA does not support removing remarriage restrictions for these benefits.

VA is sensitive to the intent behind this bill and is available to work with the Committee to pursue ways to better support surviving spouses, while accounting for secondary impacts across various benefit entitlements. Existing remarriage restrictions help manage and allocate VA resources effectively, ensuring that they are directed to individuals who have lost the financial support of a spouse due to that spouse's service-related disability or death. DIC payments are designated for individuals who have lost financial support due to a spouse's service-related disability or death. In regard to DIC benefits, if the surviving spouse remarries before the age of 55, this financial need is considered to no longer exist, thereby altering the initial intent of the law.

Furthermore, if enacted, this bill would create a greater disparity of survivor pension beneficiaries under Chapter 15 who will remain precluded from benefit entitlement if they remarry at any age.

The bill also creates a secondary impact. Under 38 U.S.C. § 3701(b)(2), surviving spouses of Veterans who died from service-connected disabilities are eligible for VA home loan benefits. Currently, VA relies on DIC eligibility to determine home loan eligibility. The bill would break that link because proposed § 103(d)(5)(C) still bars home loan benefits if remarriage occurs before age 57. VA would need to separately verify remarriage status for home loan eligibility, adding complexity. Aligning DIC and home loan requirements would streamline this process.

Finally, VA also highlights an ambiguity created within this bill regarding Medal of Honor Pension under § 1562. Section 2 removes application of certain provisions for DIC but retains them for Medal of Honor Pension, despite language aligning §§ 1311 and 1562. If remarriage is not intended to bar entitlement under § 1562, VA recommends removing that reference in § 103(d)(5) or clarifying when remarriage applies. VA offers this clarification for accuracy, even though we oppose the bill.

We understand the Department of War has long opposed section 3 on the grounds of increased cost and inequity among surviving spouses. Furthermore, termination of a spousal annuity due to remarriage before a certain age is a standard feature of all Federal annuity programs (and civilian employers' pension programs). For that reason, it would be inequitable to further enhance the benefits for active-duty deaths while not allowing a similar option for the surviving spouses of retirees under other Federal programs such as the Federal Employee Retirement System, the Civil Service Retirement System, the federal Railroad Retirement program, Social Security, and the Worker's Compensation Program survivor annuities.

VA defers to the Department of War on Section 4.

Position: VA does not support this bill.

H.R. 6698 Board of Veterans Appeals Annual Report Transparency Act of 2025

This bill would amend the Board's annual reporting requirements under 38 U.S.C. § 7101(d) to include reporting on factors contributing to untimely dispositions and remands. While the VA supports the intent, we have concerns that this requirement could harm Veterans by introducing delays, unnecessary costs, and confusion about docket choices—especially as appeal processing times are improving under the Appeals Modernization Act of 2017 (AMA). The AMA became effective in 2019 and introducing new reporting requirements at a time when VA is significantly decreasing adjudication times would divert resources and potentially stall current progress.

Section 2 of this bill would require the Board to report the number of cases not disposed of timely, identify contributing factors, and provide percentages for each factor. Many factors affect case timelines—staffing levels, productivity, evolving case law, case complexity, evidence volume, and appellant-requested delays. Within the Board's case management system, there are nearly 100 task assignments that influence processing time to varying degrees, making it difficult to isolate specific factors. Often, multiple factors, some of them subjective, apply to a single case.

Section 2 also adds reporting on remanded cases under the AMA or legacy system, requiring identification of factors and percentages. This creates a significant administrative and IT burden. Current systems track remands at the issue level, not the case level, so reporting by case would require major system changes. Many cases can have multiple issues remanded with multiple other dispositions in the same case. Accordingly, while reporting by issue is possible, it would produce confusing data because the number of remanded issues would not match the number of remanded cases.

In short, while we support transparency, these requirements would divert resources, create complexity, and risk slowing progress for Veterans.

Position: VA supports the intent of this bill but cites concerns. VA is unable to assess the impact to budgetary resources at this time.

H.R. 4469 Providing Radiation Exposed Servicemembers Undisputed Medical Eligibility Act or the “PRESUME Act”

Section 2 of the proposed bill would amend 38 United States Code (U.S.C.) § 1112 by adding the following new paragraph:

“The Secretary may not require evidence of a certain dose of radiation to determine that a Veteran is a radiation-exposed Veteran.”

VA does not support this bill because it would not meaningfully change existing statutory or regulatory standards. Under 38 U.S.C. § 1112, a ‘radiation-exposed veteran’ is defined by participation in certain radiation-risk activities during service—not by dose estimates. Current law already grants presumptive service connection for Veterans who engaged in these activities and later develop the listed conditions. Dose evidence is only required when the claimed condition is not on the presumptive list.

This bill does not expand the list of presumptive diseases, redefine radiation-risk activities, or alter VA’s approach for non-presumptive claims. In short, the PRESUME Act would largely restate existing practice and would not create new eligibility or relief. The bill’s intent is unclear because radiation dose estimates do not factor into presumptions under § 1112 or healthcare eligibility under § 1710.

Position: VA does not support this bill.

H.R. 5723 FRAUD in VA Disability Exam Act

This bill would require VA to establish a process for auditing, identifying, and reporting fraudulent Disability Benefit Questionnaire (DBQ) activity, regardless of source. It mandates reporting suspected fraud to investigatory bodies, including the Office of Inspector General (OIG); creating a process for claims processors to flag and transmit suspected fraud; conducting recurring audits of all DBQs; and notifying individuals when their DBQs raise suspicion. The bill also prohibits reopening or changing benefit decisions based on investigations unless the individual is convicted of fraud and requires annual reporting on these activities.

VA appreciates the intent but notes this may duplicate existing processes. In Fiscal Year 2025, VA implemented mandatory training for claims processors and quality reviewers on identifying insufficient or potentially fraudulent DBQs and required actions when concerns arise. All DBQs—whether from VA-employed, VA-contracted, or public sources—are reviewed for consistency and integrity. When concerns arise, claims processors can refer cases to the OIG.

VA is concerned about the requirement to notify individuals whose DBQs are suspected of fraud, especially when exams were requested by VA and conducted by VA-employed or contracted examiners. The bill also prevents VA from revising decisions unless there is a fraud conviction. Under current practice, if fraud is suspected, VA typically offers a new exam and revises ratings as needed to ensure fairness. The proposed restriction would eliminate VA's ability to correct errors promptly, potentially harming Veterans who were not involved in fraudulent activity.

Position: VA does not support this bill.

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

This bill would create a new section, 38 U.S.C. § 1120A, to establish presumptive service connection for certain diseases linked to toxin exposure at the Pentagon Reservation between September 11 and November 19, 2001.

VA does not support this bill. The listed conditions are broad and lack sufficient research support to confirm causality. While the number of affected Veterans may be small, the scientific basis for the proposed diseases is not established.

The bill references 38 U.S.C. § 1119, which currently includes Gulf War Veterans with service in specific locations in Southwest Asia after August 2, 1990, and in certain other countries after September 11, 2001, creating confusion about who qualifies and which conditions apply. This could complicate benefit implementation and disrupt automated claims processes.

The proposed paragraph in § 1120A(b)(9) adding presumptive diseases for Veterans linked to substances identified in 38 U.S.C. § 1119(b)(2) would conflict with the specific definition of “covered Veteran” already used for that section in § 1119(c). Referencing § 1119 in a bill about toxic-exposed Veterans could lead to confusion, suggesting that Veterans covered under § 1119 are also eligible under § 1120A, or that all conditions in § 1119 apply to § 1120A’s covered Veterans.

The proposed legislation has overlaps and some differences with the September 11th Victim Compensation Fund, necessitating further inquiry into potential impacts for Veterans.

In short, VA opposes this bill due to unclear definitions, operational challenges, and insufficient evidence supporting the presumptions.

Position: VA does not support this bill.

H.R. XXXX Veterans Burial Allowance and Reimbursement Act of 2026

This bill would repeal 38 U.S.C. § 2307 and amend § 2303 to pay all burial and plot allowances—service-connected and non-service-connected—at the same rate. VA does not support this bill and instead recommends amending § 2307.

Since 1973, VA has provided a higher burial allowance for service-connected deaths to recognize the sacrifice of Veterans whose deaths are related to service. Aligning the rates would eliminate that distinction. Under current law, the service-connected burial benefit is capped at \$ 2,000 and has not increased since 2001, while non-service-connected benefits are indexed to inflation. As of October 1, 2025, the combined non-service-connected burial and plot allowance now exceeds the service-connected allowance.

VA recommends amending § 2307 to authorize annual cost-of-living increases based on the Consumer Price Index, ensuring parity and preserving the intent to provide greater assistance for service-connected deaths. VA also recommends a one-time increase to restore the service-connected benefit as the higher amount. We defer to Congress on the rate but are ready to assist with analysis.

Position: VA does not support this bill. VA recommends amending § 2307 instead.

H.R. XXXX National Cemetery Administration Annual Report Act of 2026

The National Cemetery Administration Annual Report Act of 2026 would add a new section, 38 U.S.C. § 2415, requiring VA to submit an annual report to the Veterans’ Affairs Committees. VA supports the intent of this bill. The report would improve transparency and provide Congress with consistent data on NCA operations, programs, and outcomes. Proposed topics—benefits administration, customer satisfaction,

cemetery maps, burial options, and interment activity—are frequently requested by Congress, and consolidating this information would be helpful.

Many of these elements are already captured in NCA's annual statistical summary. However, some proposed requirements raise feasibility concerns. For example, § 2415(b)(1) would require interment data broken down by cemetery, eligibility category under § 2402(a)(1)-(10), and type of remains. Section 2415(b)(6) would require reporting memorial products by cemetery and eligibility category.

Memorialization benefits, such as Presidential Memorial Certificates and headstones, are authorized under different statutes (§§ 112 and 2306), and eligibility differs accordingly.

Current systems—Burial Operations Support System, the Memorial Benefits Management System, and related analytics—do not track data by the categories in § 2402(a)(1)-(10). Meeting these requirements would require major system redesign or manual reconciliation, risking delays and data quality issues. NCA recommends revising the language in § 2415(b)(1)(B) and (b)(6)(A) to align with reliable data points already maintained in our systems. This approach would meet the bill's intent while remaining operationally feasible.

NCA looks forward to working with the Committees to ensure the report fulfills oversight objectives and is analytically sound.

Position: VA supports the intent of this bill; however, VA is unable to assess the impact to budgetary resources and therefore will follow up with the committee once this evaluation is complete or CBO has provided a score.

Conclusion

I appreciate the opportunity to speak before you today and welcome any questions you may have. Thank you for your continued support of Veterans and the many programs to support them through the Department of Veterans Affairs.