

STATEMENT OF  
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NATIONAL LEGISLATIVE SERVICE  
VETERANS OF FOREIGN WARS OF THE UNITED STATES  
BEFORE THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON VETERANS' AFFAIRS  
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS  
WITH RESPECT TO  
**Pending Legislation**

Washington, D.C.

February 3, 2026

Chairman Luttrell, Ranking Member McGarvey, and members of the subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, I would like to thank you for the opportunity to speak on these subjects.

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

As a resolutions-based Veterans Service Organization, the VFW does not have a position on whether survivors should retain their benefits upon remarriage. However, the VFW supports restoring TRICARE eligibility for surviving spouses who remarry and whose subsequent marriage later ends. Under current law, a surviving spouse in this circumstance may apply to have Dependency and Indemnity Compensation (DIC) and Survivor Benefit Plan payments reinstated. To ensure parity across survivor benefits, legislation should also reinstate TRICARE coverage when a surviving spouse's subsequent marriage ends.

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

The VFW supports this legislation to extend the enhanced DIC paid to surviving spouses of veterans who die from amyotrophic lateral sclerosis (ALS) regardless of the length of time the veteran lived after diagnosis. According to the Department of Veterans Affairs (VA), veterans are approximately 1.5 times more likely to develop ALS than individuals who did not serve in the military. VA presumes ALS is service-connected and assigns a 100 percent disability rating due to its severe and progressive nature. VA pays surviving spouses DIC and an additional monthly allowance if the spouse was married to the veteran for at least eight years and VA rated the veteran totally disabled due to ALS for a minimum of eight years.

However, ALS is a rapidly progressive and terminal disease, with a typical life expectancy of only three to five years following diagnosis, making the eight-year disability requirement unattainable for many families. This legislation would remove that unrealistic requirement while

preserving the eight-year marriage rule, ensuring more surviving spouses receive the full benefits available for survivors of veterans who die from ALS.

VFW member and ALS patient Major Chris Mulholland, United States Marine Corps (Retired), spearheaded the VFW's long-standing advocacy to reform ALS survivor benefits, including leading the VFW's adoption of a resolution on this issue. Major Mulholland personally experienced the relentless progression of this debilitating and terminal illness. He spoke out not only about the disproportionate impact of ALS on veterans, but also about the profound toll it takes on families, who shoulder intense caregiving responsibilities and face financial uncertainty while coping with rapid decline and loss. Tragically, Major Mulholland's own life reflected the very injustice this bill seeks to address, as he lived fewer than eight years following his ALS diagnosis in 2020.

The VFW also supports the provision that would require VA to submit a report identifying other service-connected disabilities with high mortality rates that warrant similar treatment.

### **H.R. 2164, Dayton National Cemetery Expansion Act of 2025**

Although this legislation addresses a specific circumstance in Ohio, the VFW supports both this legislation and the broader principle of expanding VA-administered cemeteries whenever feasible. In this instance, it authorizes VA to enter into an agreement with a local bank to acquire a 58-acre parcel adjacent to Dayton National Cemetery. This land transfer would create additional burial capacity for veterans and eligible family members, which is particularly important given the limited availability of other VA-managed cemeteries in the region.

In 2018, the median age of the nation's approximately 18 million veterans was 65, while the median age of the 6.4 million Vietnam-era veterans was 71. Taken together, these demographics underscore the urgency of proactive planning. Accordingly, the VFW urges VA to develop and implement a comprehensive, forward-looking national cemetery land acquisition strategy to ensure it can continue to honor the final wishes of these large and aging veteran populations.

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

The VFW supports this legislation to eliminate the requirement for a specific radiation dose to determine whether a veteran qualifies as radiation exposed. Currently, to qualify for a presumption of service connection due to radiation exposure, the veteran must provide proof of on-site participation in a radiation-risk activity and radiation dose estimates from the Defense Threat Reduction Agency.

This legislation would streamline this process by eliminating the dosage requirement and aligning the process more closely with that used for radiation-affected civilian personnel. Diseases attributable to radiation exposure may manifest several years after exposure, exacerbating the difficulty of obtaining an accurate dosage reading. Also, both service members and civilian employees worked many times in the same radiation-affected areas, yet programs for

civilian employees do not require dose assessments to establish exposure. This discrepancy creates the appearance of unequal treatment.

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

The VFW supports this legislation to establish a presumption of service connection for specific diseases associated with exposure to toxins attributable to the 9/11 attack on the Pentagon. This attack may have exposed individuals to toxins that cause various respiratory, cardiovascular, and cancer-related conditions. Because current law excludes this cohort from the *Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022* (Public Law 117-168) and other benefits programs, this legislation would streamline the disability compensation claims process and close a long-standing coverage gap.

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

The VFW supports this legislation to require VA to identify and report instances of fraud with respect to VA Disability Benefits Questionnaire (DBQ) forms. Since DBQs provide foundational evidence for many VA disability compensation claims, they must accurately reflect a veteran's injury or illness to preserve the integrity of the claims process.

Veterans use public DBQs, available on VA's publicly accessible website, to collect clinical information from their health care providers to assist VA in evaluating disability compensation claims. VA organizes these commonly used forms by body systems as characterized in the VA Schedule for Rating Disabilities. Because DBQs often play a decisive role in claims outcomes, fraudulent schemes have emerged to exploit their use. In some cases, bad actors charge veterans for assistance that VA and VA-accredited representatives provide at no cost. These actors may also falsely promise access to private health care providers who will secure higher ratings, improperly advise veterans to avoid VA examinations, or claim they can guarantee favorable outcomes. Some affiliated health care providers charge fees while offering to manufacture diagnoses or exaggerate existing conditions for the DBQs to obtain benefits beyond what the evidence supports.

This legislation would require VA to establish a formal process for claimants and claims processors to identify and report suspected DBQ-related fraud. VA would refer these cases to appropriate authorities while also implementing a recurring audit program to monitor both reported and detected fraudulent activity. Together, these measures would create a systematic approach to reporting, evaluating, and prosecuting DBQ-related fraud, which is an approach that does not currently exist.

The VFW also supports the legislation's reporting requirements to ensure that VA regularly informs the appropriate congressional committees of the program's effectiveness.

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

The VFW supports this legislation to require the Board of Veterans' Appeals (BVA) to include

in its annual report an identification of the factors contributing to untimely disposition and remand of appeals. In its fiscal year 2024 annual report, BVA reported an appeals inventory of approximately 200,000 cases and projected an additional 100,000 new appeals in fiscal year 2025. As a result, veterans may wait up to two years for a decision, depending on the docket, with significantly longer delays for appellants who request a hearing.

Remands from BVA to the Agency of Original Jurisdiction further delay appeal resolution. In fiscal year 2024, BVA remanded more than 40 percent of appeals. Because remands occur for a variety of reasons, the time required for a claim to return to BVA if necessary varies widely, making it difficult to predict when BVA will issue a final decision. Although returned appeals retain their original place on the docket, the remand process still prolongs the overall appeals timeline. Requiring BVA to identify the factors driving delays in appeals and remands would improve transparency, and provide data BVA could use to evaluate and strengthen its processes and procedures.

### **Discussion Draft, Veterans Burial Allowance and Reimbursement Act of 2026**

The VFW supports this proposal to standardize the payment of burial and funeral expenses, and plot allowances for deceased veterans. Currently, burial benefits vary based on many factors such as the veteran's date of death, the manner or location of interment, or whether a service-connected condition caused the death. Also, statutory provisions governing plot allowances and burial or interment eligibility remain scattered throughout the United States Code or lack a consistent, unified framework. This proposal would consolidate and clarify existing statutes to ensure VA treats similarly situated veterans and their survivors consistently and equitably.

### **Discussion Draft, National Cemetery Administration Annual Report Act of 2026**

The VFW supports this legislation that would require VA to submit an annual National Cemetery Administration (NCA) report to Congress. Currently, VA's performance and financial reports to Congress include NCA data and information. A separate report exclusively focused on NCA would increase transparency of its operations, enable better oversight, inform budgeting and strategic planning for veteran burial benefits, and highlight shortfalls or challenges that need a legislative solution.

The VFW would support a well-written, informative report that would enhance NCA services and ensure veteran burial benefits despite dwindling resources. The proposed report would include a variety of cemetery-related data markers that VA could use to analyze cemetery operations, and either support reforms or continue best practices.

Chairman Luttrell and Ranking Member McGarvey, this concludes my testimony. I am prepared to answer any questions you or the members of the subcommittee may have.

**Information Required by Rule XI2(g)(4) of the House of Representatives**

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2026, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.