



**TESTIMONY
OF
SRI BENSON
POLICY ANALYST
THE AMERICAN LEGION
BEFORE THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL
AFFAIRS
LEGISLATIVE HEARING
ON
“PENDING LEGISLATION”**

FEBRUARY 3, 2026

EXECUTIVE SUMMARY

LEGISLATION	POSITION
H.R.1004, Love Lives On Act of 2025 (Hudson/Neguse) <i>Pg. 3</i>	Support
H.R.1685, Justice for ALS Veterans Act of 2025 (Fitzpatrick/Pappas) <i>Pg. 4</i>	Support
H.R.2164, Dayton National Cemetery Expansion Act of 2025 (Turner) <i>Pg. 5</i>	No Position
H.R.4469, PRESUME Act (Titus) <i>Pg. 6</i>	Support
H.R.5339, Susan E. Lukas 9/11 Servicemember Fairness Act (Subramanyam) <i>Pg. 7</i>	Support
H.R.5723, Fraud Reduction And Uncovering Deception (FRAUD) in VA Disability Exams Act (Takano) <i>Pg. 8</i>	Support with Amendments
H.R.6698, Board of Veterans Appeals Annual Report Transparency Act of 2025 (Self) <i>Pg. 8</i>	Support
Discussion Draft: Veterans Burial Allowance and Reimbursement Act of 2025 <i>Pg. 10</i>	No Position
Discussion Draft: National Cemetery Administration Annual Report Act of 2025 <i>Pg. 11</i>	No Position

**TESTIMONY
OF
SRI BENSON
POLICY ANALYST
VETERANS' AFFAIRS AND REHABILITATION DIVISION
THE AMERICAN LEGION
BEFORE THE
SENATE COMMITTEE ON VETERANS' AFFAIRS
LEGISLATIVE HEARING
ON
"PENDING LEGISLATION"**

February 3, 2026

Chairman Luttrell, Ranking Member McGarvey and distinguished members of the Committee, on behalf of National Commander Dan K. Wiley, and more than 1.5 million dues-paying members of The American Legion, we thank you for the opportunity to offer our written testimony regarding proposed legislation.

The American Legion is guided by active Legionnaires who dedicate their time and resources to serve veterans, service members, their families, and caregivers. As a resolutions-based organization, our positions are directed by more than 107 years of advocacy and resolutions that originate at the post level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

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

To amend titles 10 and 38, United States Code, to improve benefits and services for surviving spouses, and for other purposes.

The American Legion stands behind efforts to protect gold star spouse benefits, including H.R. 1004, Love Lives On Act of 2025, in the strongest possible language.

Gold Star Spouses face a heartbreaking predicament: choose love and happiness through remarriage before the age of 55 and lose critical benefits or forgo companionship to retain them. Some lost their spouses overseas in combat, terrorist attacks, or training accidents. Others succumbed to diseases from toxic exposures. Some returned home only to take their own lives under the weight of their invisible wounds. H.R. 1004 removes the age requirement for retaining benefits upon remarriage and protects our gold star families.

When a young widow remarries, they are not replacing what was lost. The void left behind, the empty chair at the dinner table, will never be filled. But by passing this bill, we can help them build fuller, more meaningful lives and rebuild strong family units.

I work closely with gold star spouses on a regular basis as a Policy Analyst for The American Legion, but I also am a surviving spouse. My wife, Katie, succumbed to service-connected mesothelioma on July 9th, 2022. She faced this illness with incomparable courage.

I was Katie's caregiver for years, leaving a career I loved to care for her. In her final months I dedicated 20 hours a day to her care. This level of care was both emotionally difficult and left a lasting impact on my body. In March 2022, when we were told her medical options were depleted and we must enroll in hospice care and prepare for her death, I suffered a series of heart attacks caused by stress-induced cardiomyopathy. While I did return home before her death, those weeks in the hospital brought additional pain and uncertainty.

In her final hours, I sat by Katie's side from the early hours of the morning until she passed. I recounted our adventures together and read out loud from her favorite book. Her final moments were me telling her "I love you" after each breath she took, because I didn't know which would be the last. I made sure the last sounds she heard were of love, her last view was my eyes, and her last touch was my hands.

I am proud of how I cared for Katie. A loving death is likely one of the greatest and most difficult gifts you can give someone. But that gift came with sacrifices beyond what can be conveyed in words. My old career is gone, my old body is gone, the life we had built together is gone.

Through years of physical therapy and peer support I have rebuilt my life, and even though I have found love again, the empty chair at the dinner table will never be replaced.

Remarriage penalties force our widows and widowers into an impossible choice between personal happiness and financial stability. It is time to change that. Through Resolution No. 36: Prevent Gold Star Spouses Loss of Benefits, The American Legion has resolved to protect Gold Star Spouses from losing their benefits. They should not be punished for finding love again because they are still the surviving spouses of our fallen heroes. Their sacrifice has not diminished, and they have earned these benefits through service and loss.

The American Legion supports H.R. 1004 as currently written.

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

To amend title 38, United States Code, to extend increased dependency and indemnity compensation paid to surviving spouses of veterans who die from amyotrophic lateral sclerosis, regardless of how long the veterans had such disease prior to death.

The Department of Veterans Affairs' (VA) Dependency and Indemnity Compensation (DIC) is tax-free monetary compensation awarded to the surviving spouse of a veteran who died as a result of service-related injury. As of 2026, the DIC rate of \$1,699 is authorized for a surviving spouse.¹ This monthly DIC rate is increased by \$361 in the case of the death of a veteran who at the time of death was "in receipt of or was entitled to receive compensation for a service-connected disability that was rated totally disabling for a continuous period of at least eight years immediately

¹ 38 U.S. Code § 1311 (a)(1)

preceding death.”² H.R. 1685, Justice for ALS Veterans Act removes the eight-year provision required to receive additional compensation for the families of veterans with ALS.

The additional compensation is intended to compensate families for the hardships and sacrifices which come with serious long-term illnesses. H.R. 1685, Justice for ALS Veterans Act recognizes the sacrifices families make are not determined by arbitrary timelines.

Amyotrophic Lateral Sclerosis, or ALS, is a highly aggressive illness; many veterans do not reach the eight-year mark to qualify for this clause.³ Yet due to the debilitating and progressive nature of the disease, families must make additional sacrifices to care for their loved ones. A 2024 RAND study found Military and veteran caregivers incur an estimated \$8,583 in annual out-of-pocket costs associated with their caregiving responsibilities, while forgoing an estimated average \$4,522 in annual household income.⁴ In addition to the direct costs of caregiving, 14% of veteran caregivers are forced to leave their employment to care for their veteran.⁵

While this bill is focused on making surviving families who have cared for ALS veterans whole, it requires the VA to identify and report to Congress additional conditions which should be treated similarly. The American Legion recognizes the unique circumstances of veterans with ALS and their families, but caution using diagnosis alone as eligibility for benefits in any future expansion which results from this report. A more equitable eligibility criteria would base eligibility on the functional impairment and extent of caregiving provided. Just as length of illness does not equate severity, neither does diagnosis. Such a needs-based evaluation can use existing VA infrastructure such as Aid and Attendance Special Monthly Compensation (SMC-R) or Program of Comprehensive Assistance for Family Caregivers (PCAFC) eligibility, even if such eligibility is evaluated posthumously.

One technical correction which would improve the bill is to replace “under this subsection” in what would be section 1311(a)(2)(C), with “under section 1311(a)(2)” to be in compliance with the “Detailed Guide to the United States Code: Content and Features.”⁶

Through Resolution No. 19: Ensuring Parity for Survivor Dependency and Indemnity Compensation, The American Legion supports the reevaluation of eligibility for Dependency and Indemnity Compensation to ensure equitable access of supplemental payments for all survivors who have earned them through their sacrifice.

The American Legion supports H.R. 1685 as currently written.

² 38 U.S. Code § 1311 (a)(2)

³ Coons, Chris, and Lisa Murkowski. “Senators Coons, Murkowski, Colleagues Introduce Justice for ALS Veterans Act.” Press release, March 3, 2025. U.S. Senate.

⁴ Ramchand, Rajeev, Sarah Dalton, Tamara Dubowitz, Kelly Hyde, Nipher Malika, Andrew R. Morral, Elie Ohana, Vanessa Parks, Terry L. Schell, Gretchen Swabe, Thomas E. Trail, and Kayla M. Williams. *America’s Military and Veteran Caregivers: Hidden Heroes Emerging from the Shadows*. Santa Monica, CA: RAND Corporation, 2024.

⁵ IBID

⁶ U.S. House of Representatives, Office of the Law Revision Counsel, *Detailed Guide to the United States Code: Content and Features*, accessed January 28, 2026

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

To authorize the Secretary of Veterans Affairs to enter into an agreement with the Montgomery County Land Bank for the transfer of certain land near Dayton National Cemetery to the Department of Veterans Affairs, and for other purposes.

The American Legion has no position on H.R. 2164 as currently written.

H.R. 4469, PRESUME Act

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from requiring evidence of a certain dose of radiation to determine that a veteran is a radiation-exposed veteran, and for other purposes.

Participation in a defined “radiation-risk activity” qualifies a veteran as a “radiation-exposed veteran” (REV).⁷ REV is a special class of veteran who is eligible for presumptive service connection to a broad range of medical conditions, including various types of cancers.

These Radiation Risk Activities are specific to time and place, with the most recent activity listed as February 1, 1992, at a gaseous diffusion plants located on US soil.⁸ While most of these presumptive activities do not require radiation doses, some, including occupation at the gaseous diffusion plants, do. This bill would remove such dosimetry requirements to determine if a veteran is eligible to be considered a REV.

Veterans who are not considered REVs, but were otherwise exposed to radiation, are statutorily required to show the VA radiation dose estimates per 38 CFR § 3.311. Once those are secured, a physician estimates the likelihood of connection. There are no post-9/11 duties designated as Radiation Risk Activities, an omission which includes the US military response to the Fukushima Daiichi power plant meltdown (Operation Tomodachi). In addition, few Radiation Risk Activities require dosimetry. Most veterans will still need to provide dosimetry evidence if this bill passes. This bill will have little impact on the veteran population and no impact on future veterans exposed to radiation. While the population is small, veterans affected by this bill will have access to life saving treatment, but Congress can go further.

To best serve veterans who have been exposed to radiation, whether those exposures are past, present, or future, this language must be expanded beyond Title 38 USC 1112, and be included in title 38 USC 1119(a) Consideration of Records, with the following paragraph added:

(3) The Secretary may not require evidence of a certain dose of radiation to determine claims based on exposure to ionizing radiation. Any supplemental radiation dose evidence shall not be construed as evidence against exposure or service connection.

This language does not reference the special class of REVs and instead refers to all Ionizing Radiation claims. An additional sentence was added to clarify radiation dose estimates are both

⁷ 38 C.F.R. § 3.309 (2025). Disease subject to presumptive service connection. Electronic Code of Federal Regulations.

⁸ 42 U.S.C. § 7384l(14) (2025). Definitions. United States Code.

not required and cannot be used as negative evidence against the claim. If this is enacted, when veterans provide dose estimates as supplemental evidence, if that dose evidence is insufficient, it will not be used for denial.

This position is supported by American Legion Resolution No. 130: Radiation Exposure, which requires the removal of all radiation dose estimate requirements, as they are an unreasonable burden of proof for our veterans.

The American Legion supports H.R. 4469 with recommended changes.

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

To establish a presumption of service connection for certain diseases associated with exposure to certain toxins at the Pentagon Reservation during certain period beginning on September 11, 2001.

H.R. 5339, Susan E. Lukas 9/11 Servicemember Fairness Act provides presumptive service connection for veterans who worked at The Pentagon from 9/11/2001 to 11/19/2001 for a variety of conditions. The conditions covered closely match the conditions covered by the World Trade Center Health Program,⁹ and are supported through two decades of research into the lingering effects of exposure. This bill is a commonsense solution to cover the thousands of military personnel who worked at the Pentagon directly following the 9/11 terrorist attacks.

The servicemembers who were at the Pentagon during the attacks and aftermath were at the front lines of the start of the War on Terror. Through the catastrophic damage and fires raging in the rubble, they worked diligently to help with evacuation, recovery, cleanup and more as they witnessed sights that few Americans can imagine. In the process, they were exposed to smoke and fumes from the computers, office supplies, plastics, wiring, plane parts, fuel, insulation, and more that burned for days after the attack.

Research has shown consistently that exposure to these kinds of pollutants and chemicals can adversely affect health. These servicemembers deserve to have the same kinds of presumptive service connections that World Trade Center civilians and servicemembers exposed to burn pits have. Anything less is overlooking the first heroes of the War on Terror.

Through Resolution No. 17: Environmental Exposure, The American Legion supports evidence based presumptive service connection for toxic exposure.

The American Legion supports H.R. 5339 as currently written.

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

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to identify and report instances of fraud with respect to disability benefit questionnaire forms of the Department of Veterans Affairs, and for other purposes

⁹ Centers for Disease Control and Prevention. What Conditions Are Covered by the World Trade Center (WTC) Health Program. Atlanta: CDC, December 2022.

The VA claims process has grown in complexity over the years, becoming an overly complex process that prioritizes administrative convenience, rather than serving veterans. VA has increasingly relied less on VA in house medical examiners, outsourcing 93% of all exam responsibilities to paid third party vendors. This imbalance has become the foundation of significant confusion, resulting in a two-million-dollar vendor overpayment, and increased spending on disability exams to five billion dollars annually.¹⁰

VA's Disability Benefits Questionnaires (DBQs) must be filled out by licensed medical professionals. However, veterans' growing lack of trust in contracted examiners has motivated them to pay private doctors for DBQs that exploit their desperation for reconciliation. VA's lack of oversight of these contracted examiners focuses too narrowly on timeliness and form completion, and not enough on exam quality. The American Legion's own oversight efforts continue to identify inadequate medical exams as one of the main reasons for claims remands. Practices like this cause examiners to focus on responses to the DBQ forms, not their professional assessment of the disability.

Without an adequate C&P exam a veteran's claim will be denied, setting into motion unnecessary reviews or appeals, or examinations being reordered. In fact, a great deal of time is wasted in the claims adjudication process because many C&P exams are not adequate and require repeat exams. Proposed legislation requires the Secretary of Veterans Affairs to develop methods to clearly identify fraudulent activity concerning the questionnaires and have a timely mechanism to report suspected instances of fraudulent activity to the proper officials such as the VA Office of Inspector General (OIG).

For clarity, The American Legion offers the following amendments for consideration:

Replace "identify fraudulent activity relating to the submittal of disability benefit questionnaire data to the Secretary" by **inserting** "identify suspected fraud, and correct procedural inconsistencies, data inaccuracies, and deficient administrative procedural barriers and practices relating to the submittal and processing of claims for disability benefit questionnaire data to the Secretary."

Strike out "investigatory bodies" and insert "investigatory bodies or oversight committees"

insert "Establish a process and review to streamline the disability questionnaire process to reduce administrative burden, eliminate redundancy or ambiguous requirements, and ensure forms are accessible and transparent for veterans and accredited representatives"

Replace "to identify instances of disability benefit questionnaire fraud and to transmit reports of suspected fraud." By **inserting** "identify fraud, improper submissions from third-party or

¹⁰ U.S. Government Accountability Office. *VA Disability Benefits: Additional Oversight and Information Could Improve Quality of Contracted Exams for Veterans*; and *VA Disability Exams: Improvements Needed to Strengthen Oversight of Contractors' Corrective Actions*. GAO-25-107483 and GAO-24-107730. Washington, DC: U.S. Government Accountability Office. <https://files.gao.gov/reports/GAO-25-107483/index.html> and <https://www.gao.gov/assets/gao-24-107730.pdf>

unauthorized medical providers, reoccurring instances of procedural errors, redundancy, and ambiguity in rendered medical opinions and incompleteness.”

Replace “Establishment of a recurring audit of disability benefit questionnaires submitted to the Secretary” by **inserting** “establish a reoccurring audit and modernization review of disability questionnaires to improve accuracy, timeliness and the quality of the evaluation and claimant experience”

Through Resolution No. 14: Quality Assurance for VA Contracted Compensation and Pension (C&P) Examinations, The American Legion urges Congress to pass legislation to the quality and timeliness of VA’s outsourced disability examinations.

The American Legion supports H.R. 5723 with amendments.

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

To amend title 38, United States Code, to require the Board of Veterans’ Appeals to include in its annual report an identification of the factors contributing to untimely disposition and remand of appeals, and for other purposes.

The Veterans Appeals Improvement and Modernization Act of 2017, also referred to as the Appeals Modernization Act (AMA) reimagined how appeal decisions were made. Prior to the AMA, the system only provided veterans with one appeal lane and created an endless remand cycle that delayed claims decisions for years. The AMA created three distinct appeal lanes to provide options for veterans seeking recourse for claims they believe should not be denied. The first lane, or supplemental lane, gave the veteran access to submit new and relevant information within 125 days of their appeal. The second lane, or higher-level review (HLR) gives the veteran the option to seek informal conferences with an accredited veteran service officer within 90 days to reemphasize the strength of argument to address existing medical evidence for claim approval. Lastly, the veteran can choose from the Board of Veterans Appeals (BVA), to have the claim determined by a judge.

The proposed legislation seeks to require BVA to address AMA cases which are not being adjudicated in the amount of time mandated by the law and provide formal explanations for remanded cases in its annual report to Congress. Medial opinion delays, declining claims quality, an endless remand cycle and increased rework at the regional office have frustrated veterans stuck in the appeals cycle. A 2024 Government Accountability Office (GAO) report highlighted that BVA could not verify its accuracy rates for two of the four years that were examined. Also, BVA remanded 80 percent of board decisions, but was unable to provide adequate reasoning.¹¹

The endless loop of the remand cycle was supposed to be addressed by the creation of the AMA, however, the problem persists. Inadequate C&P exams, poor claim development, legal inconsistencies and the refusal to acknowledge valid medical evidence continue to trend negatively.

¹¹ U.S. Government Accountability Office. 2023. *VA Disability Benefits: Board of Veterans’ Appeals Should Address Gaps in Its Quality Assurance Process*. GAO-24-106156. Testimony before the Subcommittee on Disability Assistance and Memorial Affairs, Committee on Veterans’ Affairs, House of Representatives, November 29, 2023. Washington, DC: U.S. Government Accountability Office. <https://www.gao.gov/assets/d24106156.pdf>

This is why Congress has introduced H.R. 6698 Board of Veterans Appeals Annual Report Transparency Act of 2025 to improve annual reporting and identify quality issues to deter excessive remands.

Through Resolution No. 5: Department of Veterans Affairs Appeals Process, The American Legion can support any legislation which calls upon VA to address its ever-growing appeals inventory in a more timely and accurate manner.

The American Legion supports H.R. 6698 as currently written.

Discussion Draft: Veterans Burial Allowance and Reimbursement Act of 2025

To amend title 38, United States Code, to standardize the payment of burial and funeral expenses and plot allowances for deceased veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

The American Legion has no position on this discussion draft as currently written.

Discussion Draft: National Cemetery Administration Annual Report Act of 2025

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to submit to Congress an annual report on the National Cemetery Administration, and for other purposes.

The American Legion has no position on this discussion draft as currently written.

CONCLUSION

Chairman Luttrell, Ranking Member McGarvey and distinguished members of the Subcommittee, The American Legion thanks you for your leadership and for allowing us the opportunity to provide feedback on legislation.

The American Legion looks forward to continuing this work with the Committee and providing the feedback we receive from our membership. Questions concerning this testimony can be directed to Bailey Bishop, Senior Legislative Associate, at b.bishop@legion.org.