

**STATEMENT OF MR. GLENN POWERS
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AND CEMETERY OPERATIONS
NATIONAL CEMETERY ADMINISTRATION
DEPARTMENT OF VETERANS AFFAIRS (VA)
BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE
AND MEMORIAL AFFAIRS
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. I am joined by my colleague, Ms. Jocelyn Moses, Senior Principal Advisor, Compensation Service, Veterans Benefits Administration.

H.R. 6588 “Priority Response for Veterans Impacted by Disasters and Emergencies Act” (“PROVIDE Act”)

Summary: Section 2 of this bill would outline Congress’s findings regarding VA’s priority processing for disability compensation claims. It would specifically note that VA sets forth the criteria for its current priority claim processing; which include extreme financial hardship; homelessness; terminal illness; and participation in VA’s Fully Developed Claim program (FDC). This section would also require VA to prioritize disability claims from Veterans affected by major disasters, to include fires and floods.

Section 3(a) of this bill would require VA to prescribe regulations setting forth criteria for priority processing of claims for compensation under chapter 11 of title 38, United States Code (U.S.C.). As outlined in this section, individuals whose claims would be eligible for priority processing would include: (1) Veterans affected by extreme financial hardship; (2) Veterans affected by homelessness; (3) Veterans diagnosed with a terminal illness; (4) participants in VA’s FDC program; and (5) Veterans who live in an area for which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5170.

Section 3(b) of this bill would direct VA to prescribe additional regulations relating only to claims received from Veterans affected by a major disaster. The bill would require such regulations to allow for flexible evidence requirements when a major disaster prevents a Veteran from meeting the standard evidence requirements and allow for a flexible filing deadline for such claims.

Section 3(c) of the bill would require VA, not later than 60 days after the date of enactment, to provide permanent notice to Veterans through VA's website of all priority processing categories, which would include Veterans affected by a major disaster.

Position: VA cites concerns with this bill.

Views: While VA recognizes the Committee's intent to provide expedient service to Veterans who experience hardship during a major disaster; VA believes existing priority categories and mechanisms already addresses the underlying intent of this bill and goes beyond; and VA has concerns with several provisions as drafted.

As an initial matter, VA notes that the list of VA's existing priority claims processing categories is more comprehensive than what is outlined in the bill. VA currently provides priority processing for claims when the claimant is homeless; terminally ill; experiencing financial hardship; or is a survivor of a former prisoner of war (FPOW). VA also requires priority processing for disability compensation claims from any claimant who is more than 85 years of age. Additionally, VA provides priority claim processing for any current or former member of the Armed Forces who became "very seriously ill or injured" or "seriously ill or injured" during service and is not in receipt of VA disability benefits; who is diagnosed with Amyotrophic Lateral Sclerosis (ALS); is an FPOW; or who received the Medal of Honor. Lastly, VA prioritizes claims based on receipt of a Purple Heart. This bill's list does not capture these additional categories, and the bill also does not address claim types that may fall under the jurisdiction of VA's Pension and Fiduciary Service and require priority processing.

Further, VA notes that this bill's inclusion of VA's FDC program as a current priority processing category is not accurate. FDC processing is no longer identified by VA as a priority claim type and has been declassified as such since 2022 due to evidence-based research supporting this decision.

With respect to the proposed new priority category for Veterans affected by major disasters in section 3(a) of this bill, VA believes that existing priority categories and procedures already address many of the situations Congress intends to reach. For example, Veterans impacted by a major disaster may face financial hardship, homelessness, or fall within other established VA priority categories, which would allow for priority processing during the disaster.

Moreover, during major disasters, some Veterans may be unable to attend examinations as some disability benefits examination sites may be non-operational; and Veterans may otherwise be unable to provide evidence to support their claims. In such cases, priority processing may be of limited practical benefit, as claims are typically held until examinations can be completed.

For Veterans who do not fall within an existing VA priority category during a major disaster; VA would need to determine whether it is able to automatically identify affected Veterans; which may result in additional technology enhancements to enable automatic

application of priority processing indicators; or whether notification to or from affected Veterans is necessary. Since Veterans often need to provide evidence to establish priority status, clear expectations would be essential to determine a Veteran's eligibility during the disaster declaration period. VA recommends that Congress address the intended trigger for priority processing for Veterans affected by a major disaster.

VA has additional concerns with section 3(b)'s requirements for flexible evidence requirements and a flexible filing deadline applicable only to disaster-affected Veterans. VA's current list of priority claims includes other circumstances that may cause a Veteran to endure notable or extreme hardship. To single out one category of priority processing for special evidentiary and procedural treatment could create a priority hierarchy within the new and existing categories, which would undermine the fundamental goal of equitable priority processing for all qualifying Veterans. Other existing priority categories—such as those based on terminal illness or extreme financial hardship—may present equally compelling circumstances warranting flexible treatment.

Regarding flexible evidence requirements, VA notes that for all disability compensation claim types, regardless of priority status, VA already accepts a full range of evidence for consideration including written statements (lay evidence), photographs, medical documents, logbooks, service treatment records, and military personnel records, amongst others. When evidence is in equipoise, VA provides the benefit of any reasonable doubt in favor of the Veteran under 38 C.F.R. § 3.102 for all claims. Additionally, as outlined in 38 C.F.R. § 3.159 VA has a duty to assist claimants with the development of the evidentiary record, which includes obtaining evidence when possible. The allowance of flexible evidence requirements without further specification provides a vague landscape for claims processing, which may not yield Congress' intended results. VA recommends that Congress describe the specific ways in which adjudicators should allow for flexible evidentiary requirements.

The time limit for filing evidence is governed by 38 C.F.R. § 3.109, which allows claimants up to 1 year to submit evidence and perfect a claim. However, this regulation also allows for extensions of time limits regarding evidence submission when good cause is shown. Additionally, VA allows flexibility for initial and supplemental disability compensation claims through the use of an Intent to File (ITF) VA Form 21-0966 governed by 38 C.F.R. § 3.155. Claimants have up to 1 year to complete and file a claim after submitting an ITF, thereby potentially protecting a retroactive effective date and payments for the period between receipt of the ITF and when a claim is approved. VA's existing regulations currently govern how to file a claim, the evidence needed, and all associated deadlines, and these existing mechanisms may be sufficient to address the concerns underlying this provision. The creation of special or "flexible" guidelines specific to major disaster-related claims could create confusion or conflict with existing statutory requirements.

Lastly, with respect to section 3(c)'s requirement for permanent notice of VA's website, VA notes that the website currently provides notice of eligible priority

processing groups; a direct link to the priority processing request form (VA Form 20-10207); and additional information such as the types of evidence to submit for priority processing consideration and how to submit such evidence. VA also notes that the bill does not provide a timeline for VA to update its platforms to allow for priority processing of disability claims. Updating all appropriate IT systems to implement this bill would be a significant undertaking and respectfully requests a commensurate amount of time to execute the requirements. VA welcomes the opportunity to discuss with the Subcommittee the proposed requirements and determine a reasonable time for execution.

H.R. 6921 “Hawai‘i National Cemetery Act”

Summary: This bill would require VA to establish a new national cemetery in the State of Hawai‘i and to identify potential cemetery sites; conduct environmental and planning reviews; coordinate with state and local stakeholders; and provide recurring progress reports to Congress. The bill is intended to address long-term burial capacity concerns associated with the National Memorial Cemetery of the Pacific (NMCP), commonly known as Punchbowl.

Position: **VA does not support this bill.**

Views: VA currently provides burial access to all Veterans residing in Hawai‘i through one VA national cemetery and eight VA grant-funded State Veterans cemeteries located throughout the Hawaiian Islands. As a result, 100% of Hawai‘i Veterans currently reside within VA’s established burial access standard of 75 miles from a national; state; or tribal Veterans cemetery.

NMCP remains operational and is projected to continue accepting first interment cremated remains through approximately 2033, with planned expansion efforts expected to extend capacity up to 2049. While NMCP no longer provides new casketed burials, full burial options are available at grant-funded State Veterans cemeteries throughout Hawai‘i and will remain available once cremation capacity is depleted at NMCP.

For example, collectively, the state cemetery system continues to provide comprehensive burial access throughout the Islands. The Hawai‘i State Veterans cemetery in Kāne‘ohe, O‘ahu, has substantial long-term capacity. Previous assessments estimated burial availability extending for more than 100 additional years.

Additionally, VA notes that other regions of the country currently contain populations of Veterans who remain unserved under existing burial access standards. As a result, VA believes available resources are more appropriately focused on areas with unmet burial access needs.

VA remains committed to monitoring future burial capacity requirements in Hawai'i and will continue coordinating with the State of Hawai'i regarding long-term burial planning and cemetery expansion efforts.

H.R. 8552 “Veterans’ Compensation Cost-of-Living Adjustment Act of 2026”

Summary: This bill would require VA to increase the amounts payable for wartime disability compensation, additional compensation for dependents, the clothing allowance for certain disabled Veterans, and dependency and indemnity compensation (DIC) for surviving spouses and children, effective December 12, 2026. Specifically, VA would be required to increase the amounts by the same percentage as the cost-of-living increase in benefits for Social Security recipients that is effective on December 1, 2026. VA may make a similar administrative adjustment to the rates of disability compensation payable to certain persons who have not received compensation for service-connected disability or death benefits under 38 U.S.C. chapter 11. This bill would also require VA to publish in the Federal Register the increased amounts payable.

Position: **VA supports this bill, subject to the availability of appropriations.**

Views: This bill would express, in a tangible way, this Nation's gratitude for the sacrifices made by our service-disabled Veterans and their surviving spouses and children and ensure the value of their well-deserved benefits will keep pace with increases in consumer prices. VA also supports the publication of annual cost-of-living increases in the Federal Register. VA routinely publishes Federal Register Notices of increased benefits following the enactment of law by Congress specifying the percentage by which payments will be increased.

VA notes that H.R. 6047, the Sharri Briley and Eric Edmundson Veterans Benefits Expansion Act of 2026, is also pending in Congress. As currently drafted, H.R. 6047 would increase the basic DIC payment for surviving spouses by providing 2 enhanced cost-of-living adjustments: the first would increase the DIC payment by the Social Security cost-of-living adjustment plus an additional 1 percentage point; effective December 1, 2026; and the second would increase the DIC payment by the Social Security cost-of-living adjustment plus an additional one-half of 1 percentage point, effective December 1, 2027. VA notes that any impact on H.R. 6047 would need to be considered if both bills are enacted prior to the cost-of-living increase effective December 1, 2026.

H.R. 8767 “Compensation Fund Recrediting Act”

Summary: This bill would amend section 1002 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5; 38 U.S.C. § 107 note) to establish a sunset date for the Filipino Veterans Equity Compensation (FVEC) Fund. Specifically, section 2 of this bill would amend section 1002(l) to provide that amounts in the FVEC Fund

would remain available until January 1, 2027, rather than “until expended” as under current law. The bill would also add a new subsection (m), which would provide that on January 1, 2027, section 1002 would cease to have any effect and any amounts remaining in the FVEC Fund would be deposited into the general fund of the United States Treasury.

Position: **VA supports the intent of this bill, subject to amendment.**

Views: VA recommends a clarifying amendment. Section 1002 of Public Law 111-5 authorizes a one-time payment from the FVEC Fund for persons who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States and persons who served in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945. All persons must have been discharged or released from service under conditions other than dishonorable. Claims for this payment were required to be submitted to the Veterans Benefits Administration no later than February 16, 2010, as directed by Congress.

Although the application period has expired, the current law does not provide a sunset date for the FVEC Fund. Absent a sunset date or other closeout mechanism, the FVEC Fund remains “available until expended” to make payments. This bill would require any remaining funds to be deposited into the general fund of the United States Treasury and close an open appropriations account that serves little further benefit.

VA has no objection to the proposed sunset date of January 1, 2027. However, VA notes the sunset language in proposed subsection (m)(1) may be too broad. Section 1002 contains multiple subsections that address other issues including; but not limited to; payments and payment amounts; limitations on payments; and the legal effects of payments. By mandating that “this section shall cease to have any effect” on January 1, 2027, this bill would terminate all provisions of section 1002 as of that date, not just those related to funding and appropriations. VA recommends specifying which subsections would no longer be given effect, as this would ensure the amendment accurately reflects legislative intent and avoids unintended consequences.

H.R. 9006 “Locating Our Unclaimed Veterans Act”

Summary: Section 2(a) of this bill would require VA, acting through the Under Secretary for Benefits, to establish a centralized system within VA to store information with respect to unclaimed remains of Veterans. The system would include information regarding unclaimed human remains suspected to be those of a Veteran, as transmitted to VA from coroners, state governments, and funeral homes. For unclaimed remains of a Veteran in VA's possession, the system would store available information such as the name of the Veteran, fingerprints, the established age of the Veteran at death, and such other identifiers as VA determines necessary to make reasonable efforts to confirm Veteran status and identify suitable next-of-kin, to the extent practicable. Section 2(a)

would also require VA, pursuant to existing Memoranda of Understanding (MOU) with respect to data sharing, to request relevant information from the Social Security Administration, the Federal Bureau of Investigation, and the Department of War to support efforts to identify unclaimed Veterans remains. The bill would also authorize VA to enter into new MOUs or modify existing MOUs with the heads of Federal agencies as VA determines necessary for identifying whether unclaimed remains in VA's possession are those of a Veteran.

Section 2(b) of this bill would provide a termination date for this centralized system, which would be the end of the third fiscal year beginning after the date of enactment.

Section 2(c) would require VA to submit an annual report to Congress not later than 1 year after enactment and on an annual basis thereafter for 3 years, which would include a summary of the implementation efforts of the system, a description of outreach activities related to the implementation, and the total number of unclaimed Veterans remains successfully identified using such system.

Position: VA supports this bill, subject to amendments and the availability of appropriations. 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.

Views: VA recognizes the importance of interagency collaboration on data-sharing agreements to improve efforts for the burial of unclaimed Veterans, and VA believes that every Veteran who has served this Nation deserves to be identified, honored, and laid to rest with the dignity befitting that service. The establishment of a centralized portal would streamline the responsibilities and workflow of VA's Indigent Veterans and Unclaimed Remains Coordinators (IVURC). This portal would enable IVURCs and designated Federal partners to access, update, and track information regarding unclaimed Veterans remains for the purposes of identification, notification, and dignified disposition. This system and accompanying MOUs would allow for improved coordination between VA and other Federal, State, and public entities resulting in a more efficient and accurate unclaimed Veterans remains process. However, VA recommends several amendments to ensure the bill can be implemented successfully.

First, establishing MOUs with other Federal agencies is a complex process that requires considerable time, funding, and resources from all participating organizations. This endeavor involves extensive coordination, clear guidelines regarding personnel, access, and data monitoring, and ongoing collaboration between agencies. To facilitate effective implementation, VA recommends that the Federal agencies identified within the bill also be required to provide their perspectives. This collaborative approach would help ensure that operational requirements and resource commitments are fully addressed.

Second, section 2(a) is silent on a timeline to develop the required system or MOUs with the applicable Federal agencies. The system development would require significant IT efforts and expenditures not accounted for in the FY27 Budget. VA estimates that required collaboration to establish the system and execute the MOUs would take at least 24 months. VA would be unable to comply with this bill until the system and MOUs are in place.

Finally, VA suggests removing or amending section 2(b), which would provide a termination date for the framework and system that the draft bill discusses. To clarify, VA recommends that this bill be permanently implemented or include a default reauthorization mechanism to avoid an unintended lapse of authority. As written, this proposed bill would result in a complex system being built after using significant resources only to be used for a few years.

H.R. XXXX “Unclaimed Veterans’ Legacy Grant Program Act”

Summary: This bill would temporarily authorize entities receiving grants under the Veterans Legacy Program (VLP) to assist VA in locating unclaimed or abandoned human remains suspected to be those of Veterans; determining whether such remains are those of Veterans; and interring eligible remains in a VA national cemetery. The authority would apply beginning on the date of enactment and ending on the last day of the second fiscal year beginning after enactment. The bill would further provide that amounts made available for grants used for these purposes may not be requested in addition to amounts otherwise intended to be requested for the VLP in the President’s annual budget request.

Position: **VA does not support this bill.**

Views: The VLP was established to support memorialization; educational engagement; and historical interpretation activities related to Veterans interred in national; state; and tribal Veterans cemeteries. The program was not designed or resourced to support operational activities associated with locating, identifying, and interring unclaimed or abandoned remains. Expanding the program in this manner could diminish the educational and public engagement mission Congress originally established for the VLP under Public Law 116-107. In addition, activities involving identification and disposition of remains may require specialized coordination with state and local authorities, medical examiners, funeral directors, and other entities outside the current structure and expertise of the VLP framework. VA remains committed to honoring unclaimed Veterans through existing authorities and partnerships but does not support repurposing the VLP for these activities.

Conclusion

This concludes my statement. We would be happy to answer any questions you or other members of the Subcommittee may have.