



August 21, 2023

Chairman Jack Reed
Ranking Member Roger Wicker
Armed Services Committee
United States Senate
Washington, DC 20510

Chairman Mike Rogers
Ranking Member Adam Smith
Armed Services Committee
United States House of Representatives
Washington, DC 20515

Dear Chairmen and Ranking Members:

The National Military Family Association has long been an advocate for benefits and programs that strengthen and protect Uniformed Services families and reflect the Nation's respect for their service. We are grateful for your support of service members, their families, and survivors. Thank you for your leadership and the work of the Members and staff of the House and Senate Armed Services Committees as you prepare to complete the National Defense Authorization Act for Fiscal Year 2024 (NDAA).

As you work to reconcile the legislation, we ask that you remember the financial challenges - including housing - that thousands of service members and their families have experienced over the past few years. We continue to see the impact of repeated deployments and separations on our service members and their families. Now is not the time to erode the programs and services military families rely upon to improve and maintain family readiness and retention.

Pay and Compensation

We thank the House and Senate for the 5.2 percent pay raise and appreciate it is the highest pay raise in the past twenty years. However, it lags inflation. Last year's pay raise also lagged behind inflation rates and military pay is falling further and further behind civilian pay. We urge both Chambers to include limited income increases for junior enlisted families in the FY24 NDAA.

Basic Allowance for Housing (BAH) and Housing

While the increase in 2023 BAH rates was a significant step forward, it didn't close the gap the cost-share created. Too many families continue to struggle with high housing costs with no relief in sight. We urge Congress to permanently restore service members' housing allowance to the full 100 percent (H.R. 2537 / S.1823), making an immediate, tangible difference for families struggling to make ends meet. We appreciate and **support** Section 4401 of H.R. 2670 to make incremental increases, via absorption, by 1 percent, bringing BAH to 96 percent.

We **support** the following:

- Section 2841 of S. 2226, Improvements to privatized military housing
- Section 2842 of S. 2226, Implementation of Comptroller General Recommendations relating to strengthening oversight of privatized military housing
- Section 2843 of S. 2226, Treatment of nondisclosure agreements with respect to privatized military housing

- Section 2852 of S. 2226, Inclusion in annual status of forces survey of questions regarding living conditions of members of the Armed Forces
- Section 2852 of H.R. 2670, Pilot program to provide air purification technology in military housing

Basic Needs Allowance

We appreciate that in previous NDAs, Congress has acted to address the pervasive problem of military family food insecurity by establishing a Basic Needs Allowance (BNA). However, too few military families have been able to benefit from this much needed assistance. We **support** Section 621 of H.R. 2670, which would improve the BNA by excluding BAH from eligibility calculations, putting this allowance in reach for more military families.

Family Separation Allowance

Family Separation Allowance (FSA) hasn't been increased in 20 years. Our Association **supports** Section 628 of H.R. 2670 to increase FSA from \$250 per month to \$400 per month. We appreciate the provision to review the amount of FSA on a regular basis.

Enhancing Quality of Life for Military Families

Child Care

Our Association supports the intention behind Section 644 of H.R. 2670. In-home care is extremely helpful for service members on shift work, military exercises, and long hours demanded outside the normal child development center operating hours. However, we are concerned that the areas to be added are more remote than the other sites and families may have difficulty finding in-home care.

We **support** the following:

- Section 561 of S. 2226, Pilot program on recruitment and retention of employees for child development programs
- Section 641 of H.R. 2670, Increase in the target funding level for military child care
- Section 642 of H.R. 2670, Recurring review and revision of pay for military child care employees
- Section 643 of H.R. 2670, Discounted child care for child care employees of the Department of Defense
- Section. 645 of H.R. 2670, Wait times for child care services provided through military child development centers: publication; feasibility of certain improvement
- Section 646 of H.R. 2670, Study on effects of child care on readiness and retention
- Section 647 of H.R. 2670, Provision of temporary child care services
- Section 648 of H.R. 2670, Feasibility study regarding child care for members of the reserve components performing inactive-duty training

Military Children's Education

We thank Congress for once again authorizing Impact Aid funds to support local education agencies that serve large numbers of military-connected children. We **support** Section 652 of H.R. 2670 and Section 562 of S. 2226.

Support for schools serving military children with special needs is vital. We appreciate that Congress has once again authorized funds for this purpose. However, we are concerned that the process of applying for these funds is overly cumbersome, leading many school districts that might be entitled to support to forgo applying altogether. We **support** Section 657 of H.R. 2670, which

directs the Secretary of Defense to conduct a study to review weighted student units for Impact Aid payments for students with disabilities.

We appreciate the intent behind Section 658 of H.R. 2670, which requires a process to ensure interstate reciprocity in educational accommodations for military students. However, this issue has been addressed at the state level through the Interstate Compact on Educational Opportunity for Military Children, to which all 50 States and the District of Columbia belong. The Compact requires that receiving school districts provide a new military-connected student with services comparable to those they were receiving in their previous location, recognizing that variations in local resources and programs may make it impossible for schools to offer the exact level of service the child received in the previous location. This is also consistent with the federal Individuals with Disabilities Education Act (IDEA) provisions.

We appreciate that the Department makes online tutoring services available to service members and military families through a contract with a third party. We are sensitive to concerns that military families' personal data could be compromised but feel that a blanket prohibition on contracting with a company with connections to China is overly restrictive. House Section 810, which requires contractors to enact safeguards protecting military families' information, is an effective compromise.

We also **support** the following Sections in H.R. 2670 related to military children's education:

- Section 654, Financial literacy education in schools operated by the Department of Defense Education Activity (DoDEA)
- Section 655, Pilot program for routine mental health checkups in schools operated by DoDEA
- Section 656, Briefing on implementation of universal Pre-K in DoDEA schools

Spouse Employment

Our Association appreciates Congress's interest in increasing access to employment support for military spouses. Indeed, supporting military spouse employment is essential to ensuring military family financial security and the readiness of our nation's military.

We welcome the intention behind Section 1116 of H.R. 2670 and Section 11331 of S. 2226. These provisions include the language of the Military Spouse Employment Act, which authorizes the appointment of spouses of members of the Armed Forces who are on active duty, disabled, or deceased to positions in which the spouses will work remotely. Importantly, this provision defines both the terms "remote work" and "telework." Too often military spouses are in situations where employers have not well-defined these terms. Ensuring that these terms are clear, for the purposes of this appointment authority, will help ensure military spouses have access to the type of work environment they often need to be able to maintain a job and career.

We **support** Section 649 of H.R. 2670 requiring a report on at-home child care programs of the Department of Defense. Understanding the difficulties faced specifically by military spouses who are, or would consider becoming, at-home child care providers by owning their own business, is important as the department looks for ways to add capacity to the child care infrastructure available to military families.

We **support** Section 747 of H.R. 2670, which requires a feasibility report regarding the Defense Health Agency's (DHA) employment of certain mental health providers awaiting licensure. We look

forward to the outcome of the report, and we are optimistic that finding ways to align DoD's policies with the Veteran's Health Administration Directive 1027 (dated October 23, 2019) will not only increase access to mental health services for military connected individuals, but that it will also help the DoD to employ more military spouses.

We also welcome the intention of Section 636 of H.R. 2670, which provides for student loan deferment for dislocated military spouses. We also believe that the requirements for showing evidence that the military spouse loan borrower is either "eligible for unemployment benefits due to a loss of employment resulting from relocation to accommodate such a permanent change in duty station," or obtains "a written certification, or an equivalent as approved by the Secretary, that the borrower is registered with a public or private employment agency due to a loss of employment resulting from relocation to accommodate such permanent change in duty station" is likely to be overly burdensome paperwork for both the spouse and the entity processing the deferment. This may make the intent of the policy ineffective.

We commend Congress's continued focus on ensuring that military spouses and service members can expeditiously transfer professional and occupational licenses and certifications when they relocate to a new duty station. We are concerned about the provisions in Section 640 of H.R. 2670 that would require the Department of Defense through the Defense-State Liaison Office to consult with licensing authorities of States to increase awareness of section 705A of the Servicemembers Civil Relief Act (50 U.S.C. 4025a). In practice, we have questions about what consultation would entail and the precedent this language could set to use DoD's presence to de-facto enforce federal law.

We also **support**:

- Section 564 of S. 2226, Assistance for Certain Military Spouses to Obtain Doula Certifications
- Section 606 of S. 2226, Expansion of eligibility for reimbursement of qualified licensure certification, and business relocation costs incurred by military spouses
- Section 635 of H.R. 2670, Expansion of qualifying events for which a member of the uniformed services may be reimbursed for spousal relicensing or business costs due to the member's relocation
- Section 705 of H.R. 2670, Doulas and International Board Certified Lactation Consultants (IBCLCS): certification assistance for military spouses; expansion of demonstration project

Transitional Compensation and Benefits

We **support** Sections 631 and 632 of H.R. 2670 that makes modifications to transitional compensation for dependents of members separated for dependent abuse and provides lodging expenses for those same dependents.

Defense Resale

We thank the House and Senate for the increased funding to the commissary. With military families struggling to put food on the table, the commissaries are more important than ever – especially overseas.

We **strongly oppose** Section 662 of H.R. 2670, which prohibits the sale of goods manufactured, assembled, or imported from China in the commissaries and exchanges. We understand the intent behind the provision is to address human rights abuses in China, and we support that objective. However, military families who rely on commissaries and exchanges for low-cost groceries and household products, especially those in remote or overseas locations, could be left without access

to those essential products, impacting their quality of life. The lack of access to affordable goods will drive military families off base, and many may not have access to replacement products.

According to the American Logistics Association, if CBO were required to dynamically score the impact on the DoD from Section 662 it would approximate \$2 billion a year in lost proceeds and capabilities. We are concerned that the Exchanges would find it impossible to continue operations in the face of such a dramatic reduction in revenue, causing 40,000 employees – many of whom are military spouses or dependents – to lose their jobs. Reduced Exchange sales will also decrease the funds available for Morale, Welfare and Recreation programs, potentially affecting libraries, gymnasiums, health and welfare facilities which are vital to military families, especially on overseas installations.

With the ongoing issues of food insecurity and inflation, families need the commissary benefit now more than ever. Addressing human rights abuses is an admirable goal. However, the cost of standing up to China should be borne by the nation as a whole. It is unfair to expect military families, who already serve and sacrifice, to bear the entire burden.

We appreciate that Congress has included provisions to address a variety of issues affecting military families' quality of life.

We **support** the following Sections in H.R. 2670:

- Section 634, Authority for peer mentoring program for military dependents
- Section 637, Grants to assist caregivers in military families
- Section 640b, Implementation of comptroller general recommendations relating to military foster and adoptive families

Military Health Care

NMFA believes strongly that the earned military health benefit should be consistent with coverage offered by top commercial plans. That requires TRICARE policies to evolve to address new technologies, treatment protocols, and commercial plan benchmarks. However, most recent proposals to expand TRICARE coverage have been stymied by Congressional rules regarding funding health care for retirees of the Coast Guard, U.S. Public Health Service and NOAA. The direct spending impacts associated with health care for these beneficiaries – a fraction of the beneficiary population – have prevented TRICARE from keeping pace with commercial plans. Congress must find a solution to this impasse, one that does not entail excluding categories of beneficiaries from coverage updates or reducing other military benefits as an offset.

We appreciate that Congress has recognized that many service members face challenges in building their families, which are often exacerbated by the frequent deployments and separations demanded by the military lifestyle. For that reason, we **support** Section 703 of S. 2226, which requires the inclusion of assisted reproductive technology and artificial insemination as required primary care to members of the uniformed services and their dependents, although we urge Congress to extend this coverage to retirees and their families as well.

Service members rely on the military health system to provide medically necessary care for themselves and their families. For this reason, we **oppose** Sections 640c and 717 of H.R. 2670, which prohibit TRICARE from covering sex reassignment surgeries and related services and prevent referrals for gender affirming care for family members enrolled in the Exceptional Family Member

Program (EFMP). While these provisions have implications for the entire beneficiary population, as family advocates we are primarily focused on the potential effect on children. Medical experts, including the American Academy of Pediatrics, agree that gender affirming care is essential to the mental health and well-being of transgender children and teens. We are concerned that the language in Sections 640c and 717 will limit the ability of the military health system to offer medically necessary care to transgender military family members. We also note that a growing number of commercial insurance plans have eliminated exclusions that target transgender individuals, and Medicare and some state Medicaid programs cover medically necessary gender affirming care. In addition, federal law protects transgender individuals from discrimination by health care providers. Service members and military families need and deserve the same protection.

Our Association supports the Administration policy that pays travel expenses for service members and dependents seeking non-covered reproductive health care. Service members and military families typically have no choice in their duty stations. It is unfair for service members and their families stationed in states where abortion is illegal to have to pay out-of-pocket for travel expenses to access needed reproductive care, while those stationed in other states do not. The Administration policy is a compromise that allows service members and their families the choice to access abortion care, while respecting the statute that prohibits TRICARE from covering abortion itself. Therefore, we **oppose** Section 716 of H.R. 2670, which prohibits funding and reimbursement by DoD of expenses related to abortion services.

We thank Congress for continuing to act to address the growing demand for mental and behavioral health care among military families. We appreciate the inclusion of provisions allowing mental health professionals to provide non-medical counseling services to military families at any location CONUS regardless of where they are licensed. We also **support** Section 503 of S. 2226, which excludes officers who are licensed behavioral health professionals from limitations on commissioned officer active duty end strength.

We appreciate that Congress is enabling more service women and military spouses to access doula care, by extending the non-medical maternal care pilot to include deliveries at MTFs.

We also **support** the following health care related provisions:

- Section 701 of H.R. 2670, providing dental care for members of the Selected Reserve
- Section 702 of S. 2226, authority to provide dental care for dependents located at certain remote or isolated locations
- Section 705 of S. 2226, waiver of cost sharing for three outpatient mental health visits for certain TRICARE beneficiaries
- Section 709 of H.R. 2670, reimbursement rates for ABA therapy providers
- Section 711 of H.R. 2670, pilot program on cryopreservation of gametes
- Section 733 of H.R. 2670, improvements to the TRICARE provider directories
- Section 765 of H.R. 2670, report on access of TRICARE beneficiaries to network retail pharmacies

We appreciate your diligence in reconciling these important legislative provisions that will have a positive and strengthening impact on service members, their families, and survivors. If we can be of assistance in your efforts to support military families, if you have any questions or need further

information, please contact Kelly Hruska, Government Relations Director at (703) 931-6632 or KHruska@MilitaryFamily.org .

The National Military Family Association is the leading nonprofit dedicated to serving the families who stand beside the uniform. Since 1969, NMFA has worked to strengthen and protect millions of families through its advocacy and programs. We provide spouse scholarships, camps for military kids, and retreats for families reconnecting after deployment and for the families of the wounded, ill, or injured. NMFA serves the families of the currently serving, retired, wounded, or fallen members of the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, Commissioned Corps of the USPHS and NOAA.

Sincerely,

A handwritten signature in black ink, appearing to read "Besa Pinchotti". The signature is fluid and cursive, with a prominent initial "B" and a trailing flourish.

Besa Pinchotti
Executive Director & CEO