



NATIONAL MILITARY FAMILY ASSOCIATION

Together we're stronger®

August 24, 2020

Chairman James Inhofe
Ranking Member Jack Reed
Armed Services Committee
United States Senate
Washington, DC 20510

Chairman Adam Smith
Ranking Member Mac Thornberry
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 2021 (NDAA).

As you work to reconcile the legislation, we ask that you remember thousands of service members are supporting efforts in Iraq and Afghanistan, while many more are deployed in the face of emerging conflicts around the globe. Service members are also supporting federal agencies at home including assisting Customs and Border Protection on the southern border and states in their COVID-19 response. 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.

Pay and Compensation

We thank the House and Senate for the 3 percent pay raise which is consistent with the Employment Cost Index (ECI), the current standard in statute.

Privatized Military Housing

We thank Congress for your continued work to address substandard privatized military housing. Our Association urges Congress to continue oversight on the Services and privatized housing contractors to ensure our military families are living in homes that meet health and safety standards. We continue to hear from families who are struggling to get help to address mold issues in their homes and replacing personal property damaged by mold. Congress needs to press DoD and the privatized housing contractors to come to an agreement on the final two provisions of the Tenant Bills of Rights that have not been adopted – a neutral third-party arbiter and the ability for families to withhold Basic Allowance for Housing (BAH).

We **support** the following provisions:

- Section 2812 of H.R. 6395 which provides for the promulgation of guidance to facilitate return of military families displaced from privatized military housing
- Section 2813 of H.R. 6395 which provides for the promulgation of guidance on mold mitigation in privatized military housing
- Section 2814 of H.R. 6395 which expands the uniform code of basic standards for privatized military housing and hazard and habitability inspection and assessment requirements to Government-owned and Government-controlled military family housing
- Section 2815 of H.R. 6395 which establishes an Exceptional Family Member Program housing liaison
- Section 2816 of H.R. 6395 which requires a Department of Defense (DoD) report on criteria and metrics used to evaluate performance of landlords of privatized military housing that receive incentive fees
- Section 2817 of H.R. 6395 which requires a DoD report on efforts regarding oversight and role in management of privatized military housing

We also **support** the following provisions:

- Section 2821 of S. 4049 which prohibits substandard family housing units
- Section 2822 of S. 4049 which offers technical corrections to privatized military housing program
- Section 2823 of S. 4049 which requires the Secretary of Defense implement recommendations relating to military family housing contained in report by the Inspector General of the DoD

Enhancing Quality of Life for Military Families

We **support** Section 602 of H.R. 6395, which would provide military families, whose incomes fall below 130 percent of federal poverty guidelines, with a basic needs allowance. This provision would provide much-needed support to young military families who often struggle to make ends meet.

We **support** Section 2881 of S. 4049 to consider military family readiness in basing decisions, such as: portability of military spouse licensure and certifications, availability and accessibility of public education for children, private housing near the installation, and private health care options.

Our Association is grateful Congress has addressed financial strains faced by military families impacted by the stop movement order. We **support** Section 535 of H.R. 6395 which would provide legal recourse to terminate telephone, multichannel video programming, and internet access service contracts if a military family enters into a contract at a new duty station, but then receives stop movement orders which prevents the family from utilizing those services.

We **support** Section 2885 of S. 4049 providing for equal treatment of insured depository institutions and credit unions operating on military installations. The Services should not be in position to determine which insured depository institution or credit union must pay rent or not. Please give equal treatment to both, providing choice for military families.

We also **support** the following provisions:

- Section 540A of H.R. 6395, which resolves controversies under the Servicemember Civil Relief Act (SCRA) regarding written consent requirements for arbitration
- Section 540B of H.R. 6395 which puts a limitation on waiver of rights and protections under the SCRA

- Section 540C of H.R. 6395 which provides further clarification on private right of action protections under the SCRA
- Section 540D of H.R. 6395 which requires certain certifications before a spouse of a member of the Armed Forces is deported
- Section 540E of H.R. 6395 which provides clarification for the termination of leases of premises and motor vehicles of service members who incur a catastrophic injury or illness or die while in military service
- Section 540H of H.R. 6395 provides legal recourse for termination of contracts for telephone, multichannel video programming, or internet access services for surviving dependents of service members who incur a catastrophic injury or illness or die while in military service
- Section 561 of H.R. 6395, which establishes a communications strategy with military families and develops a report on "Ensuring Wellness and Wellbeing of Service-Members and their Families" and "Strengthening the Military Family Readiness System for a Changing American Society"
- Section 1108 of H.R. 6395 repealing the 180-day rule for recently retiring service members GS-13 and below in a 3-year pilot program
- Section 1751 of H.R. 6395 ensuring ability of absent uniformed service members serving a diplomatic and consular posts to receive and transmit balloting materials
- Section 602 of S. 4049 providing hazardous duty pay for service members responding to COVID-19

Child Care

As our military families confront greater obstacles to safe, affordable, and reliable child care options during the pandemic, we are encouraged by several creative solutions proposed in both the House and Senate.

We are disappointed that the House version does not include a section to establish flexible spending accounts (FSAs) for dependent care services to help ease the taxable burden of child care expenses on service members. Section 750 of S. 4049 only calls for an evaluation of Dependent Care FSA options and does not go far enough to support our military families. The COVID-19 pandemic has decreased capacity at child care centers and increased costs to families. Military families need a Dependent Care FSA now more than ever.

We **support** Division H, Title II, Subtitle C of H.R. 6395 to provide enhanced access to child care for Coast Guard families who often are disadvantaged due to limited resources and remote locations. We support the provisions:

- Section 9301, a report on child care subsidies, costs, and barriers to access
- Section 9302, a review of the family support services website and online tracking system
- Section 9303, a study and survey on Coast Guard child care needs
- Section 9304, a three-year pilot program to expand access to child care
- Section 9305, improvements to Coast Guard-owned family housing, including two Family Childcare (FCCs) homes on the installation
- Section 9306, briefing on transfer of family child care provider qualifications and certifications
- Section 9307, inspections of Coast Guard CDCs and FCCs
- Section 9308, expanding opportunities for FCCs to off-base housing

We **support** Section 571 of S. 4049 to create equity across the Services by requiring the Secretary of

Defense to allocate funds for military child development programs rather than leaving those decisions to the individual service secretaries.

We **support** Section 576 of S. 4049. This provision greatly lowers the burden of child care costs on our military families by: allowing installation commanders to be liberal with hardship waivers, giving a 15 percent family discount for two or more children at the CDC, model the Services' fee assistance programs after the Army model, and an assessment of the top five installations with an extreme imbalance between demand and availability of child care.

We **support** Section 623 of H.R. 6395 to recalculate financial assistance for child care and youth programs to better reflect current market costs. The updated formula will take into consideration pay grade, cost of living, existence of a CDC and a waitlist, CDC employee vacancies, capacity of local licensed civilian child care providers, and the average cost of local licensed civilian child care.

We also **support** the following provisions:

- Section 565 of H.R. 6395 to provide 24-hour child care to each child of a service member or DoD employee working rotating shifts at a military installation and to evaluate effectiveness of the priority placement system. We further urge priority consideration for service members.
- Section 624 of H.R. 6395 which prioritizes certain military family housing to families whose spouse agrees to provide family home day care services. We are pleased that EFMP families will still receive the highest housing preference priority.

Military Children's Education

High quality schools are a key component to readiness, recruitment, and retention in our all-volunteer force, and are more critical than ever to supporting military families.

We **support** Section 561 of S. 4049 to maintain current funding levels for the DoD Impact Aid program. We are grateful to the Senate for recognizing the need for \$50 million in DoD Impact Aid and \$20 million for schools educating military children with severe disabilities. This funding will be appreciated by the school districts charged with serving large numbers of military-connected children and will help those children receive the best possible education.

We **support** Section 564 of S. 4049, which contributes to a free appropriate public education for our military school-aged children with disabilities. However, we are **concerned** about the requirement for the Comptroller General Study which would analyze the use of Impact Aid funds for children with disabilities. Public schools already report how they use these federal funds, which is required by the Individuals with Disabilities Education Act (IDEA). We will continue to oppose any action to withhold this federal aid to schools who serve our military students.

We also **support** the following provisions:

- Section 563 of S. 4049 to maintain the maximum student-to-teacher ratios by adequately staffing DoDEA schools
- Section 565 of S. 4049, establish a four-year pilot program to expand eligibility for the Department of Defense Education Activity (DoDEA) Virtual High School, prioritizing rural and homeschooled students to enroll in up to two courses per student
- Section 567 of H.R. 6395 to study and report on DoDEA performance, including an assessment of effectiveness of School Liaison Officers, emphasizing special education and family outreach

Exceptional Family Member Program

We **support** section 570A of H.R. 6395, Exceptional Family Member Program (EFMP) standardization. Processes ensuring seamless continuity of services between duty stations, standard respite care benefits and a review process to ensure military families with a special needs member have the health care, education programs and family support programs are long overdue. We are especially appreciative of the requirement to develop outcomes and metrics to evaluate the EFMP.

We **support** section 572 of S. 4049, which adds needed transparency to the assignments process for those families enrolled in the EFMP.

Spouse Employment

Our Association appreciates Congress's interest in increasing access to educational and employment support for military spouses. We **support** Section 574 of S. 4049 as it provides for clarification and expansion of authority to reimburse members for fees incurred by spouses related to continuing education courses pursuant to a PCS. However, **we urge Congress** to maintain coverage of this pilot program for spouses of all uniformed service members as currently stated in law.

Defense Resale

We **support** Section 633 of H.R. 6395, to update the Business Case Analysis (BCA) to address the concerns raised by the Government Accountability Office report GAO-20-418SU on resale optimization. The updated BCA should address the understated costs as well as the necessity to fully consider how COVID-19 has impacted the business and revenues.

Survivor Issues

We **support** Section 628 of H.R. 6395 to provide Casualty Assistance Officers in the case a surviving spouse dies. This provision will ensure the dependent children's guardian is aware of the benefits dependent children are entitled to and remove the burden of reapplying for benefits.

Military Health Care

The National Military Family Association **supports** Sections 715 and 716 of H.R. 6395. These provisions would delay the restructuring of the Military Health System (MHS) directed by the FY17 NDAA as well as the military billet reductions called for in the FY20 budget until DoD takes steps to ensure beneficiaries continue to have access to high quality health care. Given the questions surrounding network quality and capacity raised by the 2020 GAO report, "Additional Information and Monitoring Needed to Better Position DoD for Restructuring Medical Treatment Facilities," we believe this delay is prudent and necessary.

We also **support** Section 706 of H.R. 6395 expanding benefits available under the TRICARE ECHO program. This provision makes important improvements to the TRICARE ECHO benefit, increasing support to military families with special needs members and bringing the program in line with services available under State-based Medicaid Home and Community Based Services.

In addition, we **support** the following provisions:

- Section 701 of H.R. 6395, expanding mental health assessments for members of the Armed Forces
- Section 704 of H.R. 6395, making improvements to breast cancer screening
- Section 707 of H.R. 6395E providing for hearing aids for dependents of certain members of the Reserve Component
- Section 717 of H.R. 6395, addressing opioid prescription abuse prevention

- Section 718 of H.R. 6395, adding burn pit registration to electronic health records of members of the armed forces and veterans
- Section 719 of H.R. 6395, maintaining certain medical services at Military Medical Treatment Facilities at the service academies
- Section 735 of H.R. 6395, information sharing by Secretary of Defense regarding prevention of maternal and infant mortality
- Section 738 of H.R. 6395, creating a pilot program on parents serving as Certified Nursing Assistants for children under the TRICARE program
- Section 704 of S. 4049, providing mental health resources for service members and families during COVID-19 pandemic
- Section 705 of S. 4049, providing transitional health benefits for certain members of the National Guard serving under orders in response to the Coronavirus
- Section 722 of S. 4049, delaying applicability of administration of TRICARE dental plans through Federal Employees Dental and Vision Insurance Program
- Section 723 of S. 4049, providing authority to the Secretary of Defense to waive requirements during national emergencies for purposes of provision of health care
- Section 743 of S. 4049, implementing the Military Health System Clinical Quality Management Program

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 behind 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,



Ashish S. Vazirani
Executive Director & CEO