

MOAA's 2021 Legislative Priorities

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Here are MOAA's priorities for advocacy as the 117th Congress begins its work. Our focus remains on all eight of the uniformed services and their service-earned entitlements.

As protecting health care and service-earned benefits continues to be a challenge, MOAA will press forward in engaging Congress to shape outcomes in these vital areas.

There are steep hills before us. Our nation has a rising debt of more than \$27 trillion, and a deficit of more than \$3 trillion. In view of this, MOAA anticipates robust attempts to control federal budgets, reduce or eliminate unprogrammed expenditures, and reduce entitlements.

MOAA needs you to be at the ready to reach out to your legislators, and keep that engagement going as needed to make sure your voice is heard.

Our priorities may be updated, as warranted, during the next two years this Congress is in session. Together, we can succeed.

Click one of the links below to go directly to each objective, or scroll down for the full list.

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- Protect the MHS Pharmacy Benefit and Achieve Flexibility in TRICARE Pharmacy Copays
- Address Barriers to Accessing Care Within the MHS, Including TRICARE Coverage Gaps and Mental Health Care Access Challenges
- Achieve Concurrent Receipt of Service-Earned Retirement Pay and VA Disability Pay
- Protect Family Support Programs, and Ensure Military-Provided Services (Housing, PCS, Child Care) Are Affordable, Readily Available, and Meet Quality Standards
- Reform the Presumptive Process to Support Veterans Claiming Service-Connected Disabilities for Toxic Exposures
- Achieve Equity of Benefits, Protections and Administrative Support for Guard/Reserve Members Consistent With Their Active Duty Counterparts
- Sustain Veterans Health Administration (VHA) Foundational Missions and Services
- Protect Arlington National Cemetery as an Option for Those Currently Eligible to Receive Full Military Honors, Through Expansion of Our National Cemetery
- Sustain Pay Raises for Servicemembers and COLA Raises for Retirees
- Improve Survivor Benefits
- Ensure the Coast Guard Receives Pay During a Government Shutdown

Recognize the COVID-19 Pandemic Changed the Landscape for Many of Our Priorities

OVERVIEW: We will assess programs relative to our priorities and ensure a credible accounting of the impact the COVID-19

pandemic has on servicemembers, families, survivors, and the government entities on which we rely to effect legislation related to these people and their concerns.

ACTIONS:

- Assess congressional influence already executed, such as economic stimulus, actions under consideration, and the need for influence not yet being discussed. Some of our concerns can be addressed through such spontaneous legislation.
- Ensure awareness of the impact of COVID-19 on all issues, from authorizations to appropriations and the mounting deficit.
- Do not treat COVID-19 as a catch-all to explain difficult times, nor use COVID-19 to justify our priorities; rather, COVID-19 remains a discussion point and its impact may be significant, scalable, marginalized, or discounted altogether.

Protect the Value of the Military Health Care Benefit

OVERVIEW: Budget pressures, together with shortfalls in both the Military Health System's readiness and benefit provision missions, led Congress to pass MHS reform legislation in the FY 2017 National Defense Authorization Act (NDAA). MOAA will not fight to reverse MHS reform laws aimed at addressing medical readiness issues, but we will not stand by if reforms turn into cost-cutting exercises.

ACTIONS:

- Oppose any proposal for TRICARE for Life enrollment fees, increases to TRICARE Prime costs for active-duty

- family members, or increases to working-age retiree costs that exceed retiree COLA.
- Secure reduction in mental health and physical, speech, and occupational therapy copays. This will eliminate cost as a barrier to accessing mental health care and other important therapies and bring them in line with high quality commercial plans.
 - Continue efforts to increase transparency, DoD reporting requirements, and congressional oversight of MTF restructuring and medical billet cuts.
 - Oppose cuts to military medical research and the Uniformed Services University of the Health Sciences, which is essential to the uniformed provider pipeline and increases the number of culturally competent providers for beneficiaries.

Protect the MHS Pharmacy Benefit and Achieve Flexibility in TRICARE Pharmacy Copays

OVERVIEW: MHS reform legislation has eroded the value of the pharmacy benefit and poses a threat to MTF pharmacy access and zero copay prescription medications. Inflexibility in TRICARE pharmacy copays, which are governed by statute, requires beneficiaries to pay full copays even when TRICARE Pharmacy Home Delivery is unavailable or the prescription quantity cannot be filled.

ACTIONS:

- Oppose any plans to restrict access to MTF pharmacies.
- Secure an appeals process for Tier 4/non-covered drugs to protect military families from financial risk.

- Require DoD to report on the frequency of TRICARE Pharmacy Home Delivery out-of-stocks and the feasibility of offering lower mail order copays at retail cost for drugs unavailable due to Home Delivery program shortages.
- Secure legislation allowing DoD to charge prorated pharmacy copays for partial prescription quantity fills.

Address Barriers to Accessing Care Within the MHS, Including TRICARE Coverage Gaps and Mental Health Care Access Challenges

OVERVIEW: TRICARE coverage policy is governed by statute and often requires legislation to remain aligned with new technologies and treatment protocols and benchmarks set by high quality commercial plans and other government payers. Access problems with mental health care, validated by an August 2020 DoD Inspector General report, are pronounced and must be addressed.

ACTIONS:

- Support a pilot program to test MHS mental health appointment schedulers to assist beneficiaries with access to care. This will also allow the Defense Health Agency to more effectively track appointment availability versus access standards.
- Secure an independent evaluation of TRICARE reimbursement rates for mental health care providers and the impact on access to care under the TRICARE program.
- Extend TRICARE eligibility to dependents up to age 26 with no additional premium to bring TRICARE on par with commercial health plans.

Achieve Concurrent Receipt of Service-Earned Retirement Pay and VA Disability Pay

OVERVIEW: Currently, those with a 40% VA rated disability and those forced to medically retire under Chapter 61 have their retirement pay offset for every dollar of VA disability received. The Congressional Budget Office estimates fixing concurrent receipt will cost \$33 billion over 10 years. An incremental strategy to break up concurrent receipt into smaller cost brackets can gain progress.

ACTIONS:

- Continue to support concurrent receipt legislation and the incremental approach to making progress.
- Develop solutions with professional staff members and the House and Senate for feasible language in the NDAA.
- Amass co-sponsors for concurrent receipt legislation such as H.R. 5995/S. 3393, the Major Richard Star Act.

Protect Family Support Programs, and Ensure Military-Provided Services (Housing, PCS, Child Care) are Affordable, Readily Available, and Meet Quality Standards

OVERVIEW: Programs and services for military and veteran families are often the first to see cuts to staffing, quality, and availability when government funding becomes tight. These benefits are essential to ensure servicemembers can focus on their mission. Military spouses play a vital role in a servicemember's decision to stay in the military. When DoD

prioritizes people first, it can retain a mission-ready all-volunteer force.

ACTIONS:

- Create innovative approaches and incentives to increase access to quality child care providers.
- Address the military spouse unemployment rate through resources, program expansions, and private sector incentives.
- Push for full implementation of comprehensive housing reform and accountability.
- Improve accountability of contract movers and claims during PCS moves.
- Continue to assess the impact of COVID-19 on programs and progress.

Reform the Presumptive Process to Support Veterans Claiming Service-Connected Disabilities for Toxic Exposures

OVERVIEW: When deploying to defend our nation, we pursue cutting edge weapons, tactics, techniques, and procedures to defeat our enemies. The consequences for servicemembers become apparent later, sometimes decades later. When Agent Orange, burn pits, and other sources of hazardous materials cause illnesses, the current practice is to place the burden of proof and record-keeping on veterans. Many are unable to prove their exposure. While research is done, ill veterans suffer without health care benefits. If veterans pass away early, their widows will not receive the Dependency and Indemnity Compensation.

ACTIONS:

- Pursue enactment of legislation that concedes veterans serving in the Middle East and Southeast Asia were exposed to hazardous substances.
- Increase transparency and tracking around toxic substance use and exposure.
- Establish an advisory committee to recommend research on emerging conditions.
- Assess the impact of COVID-19 on the health of servicemembers deployed to assist the government response to the pandemic.

Achieve Equity of Benefits, Protections and Administrative Support for Guard/Reserve Members Consistent With Their Active Duty Counterparts

OVERVIEW: Guard and Reserve troops can be activated with little notice. The COVID-19 pandemic response highlights why we need to ensure servicemembers are always ready. Along with this, the transition to the “total force” concept has transformed the National Guard and Reserve troops into an operational force that is an essential part of America’s national defense strategy. However, despite conducting the same duties as their active duty counterparts at increasing frequencies, the reserve component is not receiving the same support.

ACTIONS:

- Eliminate pay, benefit, and retirement credit inequities to honor the vital role of our Guard/ Reserve servicemembers.
- Expand Military Lending Act protections to the Guard/Reserve forces to support their activation with reduced stress to meet financial obligations. Financial readiness equals operational readiness.

- Eliminate forced arbitration agreements for Uniformed Services Employment and Reemployment Rights Act (USERRA) and Servicemembers Civil Relief Act (SCRA) to protect servicemembers' rights.
- Eliminate Guard/Reserve retirement pay processing delays, and support timely health care benefits for retirees.
- Assess COVID-19 impact on short-notice deployments relative to employers and concerns noted above.

Sustain Veterans Health Administration (VHA) Foundational Missions and Services

OVERVIEW: Since the VA MISSION Act was signed into law in 2018, VHA has been aggressively pursuing implementing one of the most historic shifts in how VA will deliver care in the coming years — a system virtually untouched by major transformation in more than 25 years. Myriad challenges face the VA as it attempts to sustain its four health care missions (clinical, research, education and training, and emergency management response) and associated programs and services that have earned VHA its reputation as a high-quality health care system.

ACTIONS:

- Strengthen and modernize VHA's workforce.
- Eliminate health disparities for women and minority veterans and ensure equity in accessing timely, sensitive, and quality care and benefits through the VA.
- Expand access to caregiving, palliative, geriatric, and extended care programs for veterans and wounded warriors.

Through Expansion, Protect Arlington National Cemetery as an Option for Those Currently Eligible to Receive Full Military Honors

OVERVIEW: The Army secretary has approved draft eligibility changes for interment and inurnment at ANC to extend the life of the cemetery. Unfortunately, if eligibility changes are approved, many who were counting on in-ground burial at ANC will have to change plans.

ACTIONS:

- Advocate with DoD and lawmakers for a halt to the current proposal for changes at ANC.
- Engage MOAA members and The Military Coalition to make strong comment to DoD.
- Secure new language in the NDAA that will direct expansion of our national cemetery, protect full military honors for 20-year retirees and prevent reduction of current eligibility.
- Simplify planning by establishing a reservation system.

Sustain Pay Raises for Servicemembers and COLA Raises for Retirees

OVERVIEW: Pay raises for servicemembers and COLA raises for retirees represent a commitment on behalf of our government to recognize their service and sacrifice, past and present. Budget challenges often focus on reducing such outlays to help fund weapons acquisition and other programs. No doubt such challenges will appear in coming years.

ACTIONS:

- Protect COLA and maintain pay raises tied to the Employment Cost Index.
- Monitor the president's budget for indications of DoD cost saving measures at the expense of servicemembers and retirees.
- Continue to monitor COLA and pay raises each October.

Improve Survivor Benefits

OVERVIEW: After the repeal of the widows tax in 2019, injustices remain on survivor issues.

ACTIONS:

- Create a platform with TMC's survivor committee to garner support for efforts with the 117th Congress.
- Build co-sponsors for The Caring for the Survivors and Families of Veterans Act of 2020.
- Continue to support Dependency and Indemnity Compensation improvement to bring it on par with federal employees.

Ensure the Coast Guard Receives Pay During a Government Shutdown

OVERVIEW: During a government shutdown, the USCG is not paid. Legislation such as The Pay Our Coast Guard Act would protect Coast Guard servicemembers' pay in the event of a lapse in appropriations or a shutdown. For the 117th Congress, the act will require significant support for inclusion in the NDAA.

ACTIONS:

- Support and renew the TMC letter for the 117th Congress.
- Advocate lawmakers to co-sponsor The Pay our Coast Guard Act.