



THE EAGLE



THE MILITARY OFFICERS ASSOCIATION OF AMERICA
PENNSYLVANIA COUNCIL OF CHAPTERS

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SEPTEMBER 2023



Summer Advocacy in Action Campaign Starts Strong, But We Still Need Your Help



SKLA/Getty Images

Note from MOAA: [Read a recent message](#) from Lt. Gen. Brian T. Kelly, USAF (Ret), MOAA's president and CEO, about our Legislative Action Center, or [go straight to the sign-up page](#) to be a part of our advocacy efforts throughout the year.



By: Dan Merry, Director of Government Relations
AUGUST 23, 2023

MOAA national and our member-leaders throughout our [network of councils and chapters](#) are in the home stretch of the [2023 Advocacy in Action Summer Campaign](#), which wraps up when members of Congress return to Washington, D.C., after Labor Day. This gives us more time to build support for our two main issues:

- [Urge Your Legislators to Pay Full Housing Costs for Servicemembers](#) 10,238 actions taken as of Aug. 22 via our Legislative Action Center.
- [Support a TRICARE Pharmacy Network Report in the FY 2024 NDAA](#) 20,728 actions as of Aug. 22.

Building Momentum

In past years, MOAA members would read an article about our advocacy efforts in *The MOAA Newsletter* and send a letter directly to their legislators. The system has changed a little thanks to our Legislative Action Center, which helps MOAA evaluate responses and determine what topics are of the most importance to our members.

We have increased our advocates by over 3,000 in the past month, bringing us to 19,400. This is welcomed progress, but many more registrations are needed to better represent our overall membership base of more than 360,000.

If you already signed up, we thank you for doing so. Spread the word among your friends and families, others in your MOAA chapter, and throughout your in-person and online networks.

[RELATED: [Congress Can Make a Difference for Military Families by Restoring Full BAH](#)]

If you have not signed up yet, please do so – and then send letters to your legislators about the housing allowance and TRICARE pharmacy benefit issues noted above. You also can scan the many [Key Advocacy Issues](#) tracked by MOAA and join in the efforts of your fellow members.

The fiscal challenges on the horizon are palpable; we must continue to prepare for the possibility of decrements to service-earned benefits. To face such stark and unprecedented cuts, we will need more than the 19,400 advocates on our bench. [Register today](#) and lend your voice to MOAA's cause.

NDAA Update: What's in the House and Senate Bills, and What Happens Next

By MOAA Government Relations Staff
AUGUST 02, 2023

From the topline figure to key details on pay and benefits, including TRICARE coverage, the versions of the FY 2024 National Defense Authorization Act (NDAA) passed by the House and Senate have significant differences to resolve when lawmakers from both chambers return to Washington, D.C., in September.

MOAA will continue to engage with Congress, the executive branch, and other important stakeholders as the FY 2024 NDAA makes its way through the legislative process to ensure the issues most important to the uniformed services community remains at the forefront of this year's bill. You can help by lending your voice to our cause by signing up at our [Legislative Action Center](#).

Here's what you should know about the contents of the House version ([H.R. 2670](#)), which passed on July 14, and the Senate version, ([S. 2226](#)), which passed July 27.

[TAKE ACTION: [Urge Your Legislators to Support the All-Volunteer Force](#)]

Topline Authorization

The Senate FY24 NDAA calls for \$886 billion in accordance with a debt ceiling deal, while the house version calls for \$875 billion. Lawmakers on both sides of the aisle and in both chambers painfully acknowledge DoD has not passed an audit and are committed to ensuring an audit is completed for improved oversight of spending taxpayers' dollars. A tough negotiation is expected in the conference given the lower topline number in the House NDAA.

Pay, Benefits, and Quality of Life

- **5.2% Pay Raise.** While you won't find it in the legislative text of either the House or Senate version, Congress supported the pay raise by keeping it tied to the Employment Cost Index – a [key MOAA priority](#). The defense appropriations bill may seek to address [pay table reform](#).

[RELATED: [MOAA President Outlines Key Priorities for New House Quality of Life Panel](#) | [Full MOAA Testimony](#)]

- **Basic Needs Allowance (BNA).** MOAA prefers the House language, which removes the Basic Allowance for Housing (BAH) from BNA eligibility calculations to ensure families struggling with food insecurity have access to this needed benefit. The Senate bill extends the authority of service secretaries to determine high-cost areas or “a demonstrated need” in the implementation of the BNA.
- **CONUS COLA.** The Senate included a provision to increase access to the CONUS cost-of-living allowance (COLA) for servicemembers stationed in high-cost areas. Currently, the rate is paid when a servicemember or their family is in an area where non-housing expenses are 8% over the national average. The Senate language would reduce it to 5%.
- **Family Separation Allowance.** The House bill contains a provision increasing Family Separation Allowance II (FSA-II) from \$250 per month to \$400 per month. FSA-II was raised to \$250 in 2004 and hasn’t been adjusted since. This payment provides a vital source of income to help families offset additional costs when their servicemember is away.
- **Housing.** The House version would authorize \$200 million more than requested by the administration to improve housing and barracks. Both chambers included the establishment of a Military Housing Readiness Council to provide enhanced oversight and more consistent engagement with stakeholders.

[TAKE ACTION: [Urge Your Legislators to Pay Full Housing Costs for Servicemembers](#)]

- **Child Care.** DoD, like the nation, is experiencing a significant shortage of child care providers. In an effort to address the shortage, the House NDAA includes a standardized program to provide discounted child care for DoD child care employees, starting with no fee for the first child and no more than 50% for the second child. Both NDAA versions address the need to focus on recruitment and retention of employees for child development programs. The House version also requires DoD to conduct a recurring review and revision of pay for child care staff.
- **Spouse Employment.** The House version expands the military spouse licensing and business costs reimbursement program to include more transitioning spouses. It also provides a modest amount of student loan deferment for dislocated military spouses. Both the Senate and House bills contain provisions that would provide military spouses with assistance in obtaining doula certifications.

[TAKE ACTION: [Urge Your Legislators to Support the Military Spouse Hiring Act](#)]

Military Health Care

- **Pharmacy Network Cuts.** Both the House and Senate responded to MOAA's call for a report on how TRICARE pharmacy network cuts have impacted beneficiary access to prescription drugs. The Senate Armed Services Committee (SASC) included directive report language for a Government Accountability Office (GAO) evaluation on beneficiary access in their committee report. The House bill includes a provision for DoD reporting on access changes resulting from the narrowed network.

[TAKE ACTION: [Help MOAA Fight Cuts to the TRICARE Pharmacy Network](#)]

- **Military Health System Reform Oversight.** The SASC report includes a directive for a GAO assessment of military medical staffing at military treatment facilities (MTFs) to address reported challenges with competing priorities between the services and the Defense Health Agency (DHA). The SASC also requires a DoD brief on military personnel staffing of MTFs and the management structure for DHA's authority, direction, and control of those facilities.

Arlington National Cemetery

A provision in the House version of the NDAA signals lawmakers' intent to [protect burial with military honors](#) and prevent a reduction in service-earned benefits. The House version contains language from the Expanding America's National Cemetery Act ([H.R. 1413](#)) requiring a joint report from DoD and the VA with "a proposal to increase national cemetery capacity through the expansion or modification of a national cemetery that has, or will have, the capacity to provide full military honors."

[TAKE ACTION: [Ask Your House Member to Support the Expanding America's National Cemetery Act](#)]

This is an important signal from the House on the importance of continuing military funerals with honors and keeping our nation's promise to our military community – a signal that runs counter to a previous proposal in the federal rulemaking process to dramatically reduce eligibility for Arlington National Cemetery based on awards.

[MORE ABOUT THE PROPOSAL: [Arlington National Cemetery Information Paper](#)]

The report requirement is missing from the Senate version of the NDAA. While your lawmakers are home for their August recess, consider calling their office and ask to speak with their military legislative assistant to secure co-sponsorship H.R. 1413 and keep the report language in the NDAA through the conference process. Use MOAA's toll free Capitol Hotline – 866-272-MOAA (6622) – and share with your network.

Star Act Missing From NDAA

It is very disappointing that the text of the [Major Richard Star Act](#) (S. 344/H.R. 1282) – which would authorize receipt of earned DoD retirement pay, without an offset, for those injured in combat and forced to medically retire – has not been included in this year's NDAA. Over two-thirds of Congress co-sponsored this legislation, with [327 in the House](#) and [71 in the Senate](#). Unfortunately, House and Senate leaders have not allowed a floor vote because they are concerned over cost.

[TAKE ACTION: [Ask Your Lawmakers to Support the Major Richard Star Act](#)]

To stay up-to-date on the latest news, check out [MOAA's Advocacy News page](#) and read the weekly MOAA newsletter (subscribe [at this link](#)).

PA COUNCIL 2023 MEETING DATES

Council meetings will be held quarterly. The Spring meeting will be March 4th, conducted by Zoom with the meeting notice sent out ahead of the meeting with the Zoom link. MOAA Council and Chapters Director Frank Michael will be in the meeting with us. The Summer meeting will be held after the June 2-3 MOAA NE Regional Chapter & Council Meeting in Springfield, MA or Middletown, RI – MOAA pays your hotel and meals at the conference. The Council meeting will take place on the afternoon of June 3. The Fall meeting will be in September 9th by Zoom and the Winter meeting will be December in person at the Arrowheads Community Club at Fort Indiantown Gap for the swearing in of the new Council President and his officers. Zoom conference dates and times will be provided in the meeting agenda sent to chapter presidents. Dates will be finalized in the first quarter of the year. All MOAA members are welcome to attend any Council meeting. If you have a question, contact Bob Gray at rl_gray@hotmail.com or (717) 623-8715.

Eagle and Chapter newsletters available on Council web page: www.pa-coc.org.

Find a Chapter: www.pa-coc.org or through the national MOAA web site, www.moaa.org.

The Military Officers Association of America is a nonpartisan military nonprofit organization that does not engage in partisan politics and works with all political leaders in moving military and veteran's legislation that will help the men and women who currently serve in the active, Guard and Reserve, those who previously served and the retired, their families and survivors. Pennsylvania Council of Chapters is a nonpartisan military organization that does not engage in partisan politics. The views presented in the Eagle newsletter are those of the editor, not those of the Council officers and Council's Chapters or represent the views of MOAA's national officers, staff, or Board of Directors.



PENNSYLVANIA LEGISLATURE

Bob Gray – Legislative Chairman
Legislative Information from the
General Assembly web site:
<http://www.legis.state.pa.us>

SBI77 SEN BARTOLOTTA

Disabled Veterans' Property Tax Relief

- A piece of legislation which seeks a constitutional amendment to modify RETX according to the desires of the former State Veterans Commission (SVC) RETX committee.
- Should add prisoners of war as that issue was brought up at SVC

meetings but was neglected. Not a showstopper, however.

- Since it would be a constitutional law if passed, undefined "under conditions other than dishonorable" terminology is not acceptable to avoid lawsuit later. A case could be made that the misleading use of the terminology created by 51 Pa C.S.104, which allows for non-veterans Entry Level Separations (ESL), officers with Notices of Dismissal (ND), and Other than Honorable (OTH) to be accepted or considered, could be contested. The terminology used by federal government, which has defined the term to mean all except those with a Dishonorable Discharge, will be inferred and this is how the term is commonly used in the veteran's community. It also includes Bad Conduct Discharges together with ESL, ND, and OTH. Merits a

discussion with the sponsors.
See Note below for definitions.

- A veteran living in a long-term care facility should get RETX exclusion only if a dependent is still living in the home. The way the provision is currently worded, the property could be rented out or occupied by another person capable of paying RETX. Might raise questions to bring down a basically decent bill.
- Such wording would likely make it harder to get the amendment passed in the review process and when presented to the public.
- **ACTION:** Work with Bartolotta to improve wording.

SB194 Sen PENNYCUICK Memo:
Excluding VA Aid and Attendance
Income for Disabled Veteran Property
Tax Exemption

- A piece of legislation which does no harm and will probably help those needing RETX relief most.
- Excludes aid and attendance payments from determining need by the Commission.
- **ACTION:** Can support, but someone should look at the current presumptive limit threshold as well.

SB 126 Sen. MASTRIANO
Memo: Disabled Veterans' Benefit
Payment Exclusion

- Needed piece of legislation to bring the issue to a head.

- Defines and excludes state and federal veterans' benefits payments from income if due to service-connected injury for applying for any commonwealth program which considers income.
- Only problem is again "under conditions other than dishonorable" – a problem created by DMVA and its awkward 51PaC.S. 104 Character of discharge provision which is never referenced and therefore the intent of law is subject to misinterpretation; and in addition, allows OTH's and ESL's to be considered. See Note for definition.
- **ACTION:** No problem with the provision except as to level of discharge.

Note: An Other Than Honorable (OTH) discharge refers to **administrative discharges in which your military command can remove you from military service.** Disciplinary issues, lapses in military good order, or failing a drug test could all lead to an Other Than Honorable discharge. **Having an OTH discharge on their DD-214 means the service member will not be entitled to veteran's benefits and will not be eligible to reenlist.** Although an OTH is considered an administrative rather than a punitive discharge.

The entry-level separation (**ELS**) is a **discharge from the military that occurs within 180 days of joining**. It is not characterized under any other type of discharge, as it is used in circumstances where people have not met the service's basic requirements.

SB 189 Sen. J. WARD Memo: Pension Enhancement for Blind, Amputee and Paralyzed Veterans (\$150 increasing to \$180)

- Needed piece of legislation for those most severely affected physically by service.
- Bump up is near meaningless. Why not \$200 plus COLA or at least COLA provision.
- **ACTION:** Ask for COLA language at least.

SB 248 Sen Mastriano Creation of the "Veteran-owned Business Loan Guarantee Program"

Provide veteran Owned Businesses a sate guaranteed loan limited to \$250,000.00.

SB 203 Sen Mastriano Green Alert for Veterans

I will once again be introducing legislation, previously SB 750, that would implement a "Green Alert" system in Pennsylvania which is designed to warn the public if an at-risk veteran is missing. My bill would be very similar to an Amber Alert for missing children.

HB 363 Markoski Excludes veteran disability income from consideration for all Commonwealth Programs. Passed the House May 3, 2023, and in Senate Veterans Affairs Committee May 3, 2023. No movement. (Note: SB 126 Mastriano is a similar bill and passed the Senate. Mastriano is the Senate Veterans Affairs Committee Chairman.)

HB 892 Kaufer

Establishing the Veterans' Outreach and Support Network

Passed the House June 23, 2023 and assigned to the Senate Veterans Affairs Committee June 26, 2023.

This bill assigns the following duties to the Department of Military and Veteran Affairs:

1. Coordinate with network partners, which include other state agencies, county directors of veterans' affairs, veterans service organizations, the healthcare provider community, and non-profits identified by the department, that provide programs and services to veterans and their families.
2. Provide information regarding programs, resources, and services available to be utilized by network participants, which include family, friends, loved ones, and neighbors, who can

regularly interact and offer outreach and support for veterans.

HB 231 Hill-Evans This bill would add provisions for courts to provide veterans medical and mental evaluations if their service could have caused PTSD or TBI injuries. If that is the finding, consider that condition could have affected their behavior leading up to the crime. A post-conviction hearing could consider their mental state and reduce the length of the sentence. The Vietnam Veterans of America are leading efforts on this legislation. Referred to Judiciary Committee on March 10 and referred to Veterans Affairs Committee July 7, 2023.

HB 1626 Deasy I am introducing legislation to amend the labor law to require employers to display a poster containing information on veterans' benefits and services which shall be created and distributed by the Department of Labor and Industry. The purpose of the bill is to direct the Department to create a standardized workplace posting that includes the basic information about veterans' benefits and services.

The poster will include:

- Contact and website information for the PA Department of Military & Veterans Affairs
- Substance abuse and mental health treatment

- Educational, workforce & training resources
- Tax benefits
- Pennsylvania veteran drivers' license and non-driver identification card designation
- Eligibility for unemployment insurance benefits under state and/or federal law
- Legal Services
- Contact information for the US Department of Veterans Affairs Crisis Line

Employers shall be required to display this posting in an area accessible to all employees. This law will apply to employers with more than 50 full-time equivalent employees. Similar legislation was recently enacted and will go into effect in January in the state of New York.

HB 82 Williams Uniform Deployed Parents Custody and Visitation Act (Former HB2287)

I reintroduced the Uniform Deployed Parents Custody and Visitation Act, which will update our laws surrounding the custody and visitation rights of deployed military parents.

Leaving one's family to serve others is difficult enough. In some instances that deployment has been used against servicemembers for child-custody determinations. Should a former spouse leave the state in the middle of a military deployment, regaining fair custody or even visitation can be a

nightmare for a deployed parent.

This law will prevent any permanent custody changes while a servicemember is deployed for longer than 30 days. It will also ensure that visitation rights are protected during the deployment. Scheduled video calls and phone calls will be part of any temporary custody order, so our deployed military parents are able to see and hear their children. This legislation is necessary to ensure the parental rights of our fighting men and women are safeguarded while they are keeping us safe.

While many states have passed laws that address some aspects of these difficult situations, 15 states have adopted this specific language. This legislation was developed in cooperation with the United States Department of Defense and is supported by the Pennsylvania Bar Association's Family Law Section. Last session this bill passed the judiciary committee, appropriations committee, and the full chamber unanimously at every stage.

The bill was assigned to the House Judiciary Committee March 7, 2023. No movement to date.

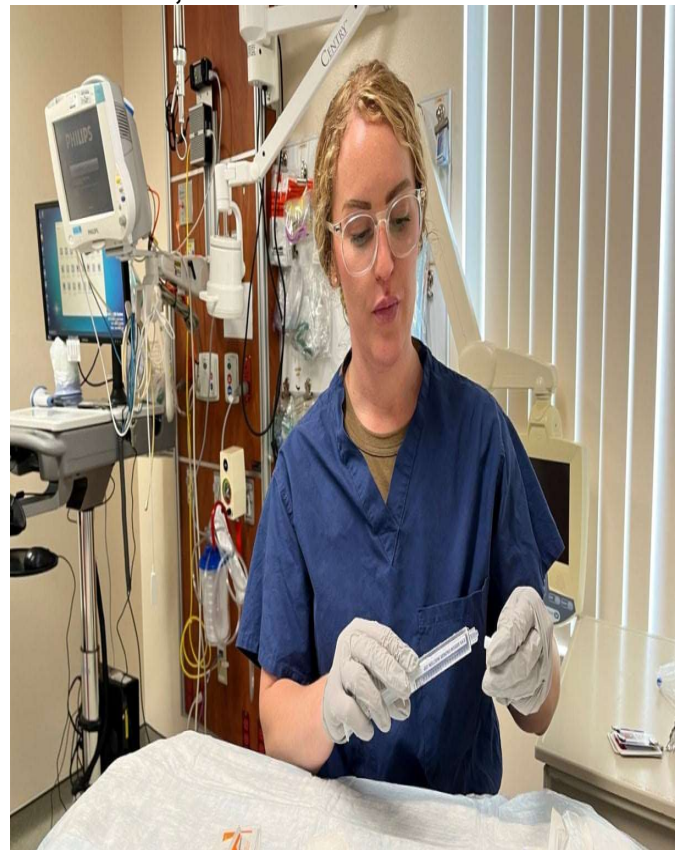


FEDERAL LEGISLATION

PA Council Legislative Chairman Bob Gray Email rl_gray@hotmail.com or cell 717-623-8715.

Senate Committee Orders Report on Military Medical Staffing Challenges

By: Karen Ruedisueli, MOAA Staff
AUGUST 16, 2023



A Navy nurse prepares an instrument tray prior to a procedure at Naval Hospital Jacksonville, Fla., in April. (Photo by Deidre Smith/Navy).

MOAA's work to ensure strong congressional oversight of reforms to the military health system received a boost thanks to a Senate committee report attached to the FY 2024 National Defense Authorization Act (NDAA) – a report directing the Government Accountability Office (GAO) to look at multiple staffing topics and potential challenges.

The Senate Armed Services Committee (SASC) report comes amid concerns about military treatment facility (MTF) staffing levels; MOAA is concerned staffing challenges at MTFs are behind the sustained uptick in complaints about appointment shortages and other barriers to access at military hospitals and clinics, although the electronic health record implementation (MHS Genesis) and lingering COVID-19 related health care workforce challenges may also be contributing factors.

[[READ THE REPORT](#)]

[MHS reforms](#), passed into law with the FY2017 NDAA, include consolidating all military hospitals and clinics under the authority, direction, and control of the Defense Health Agency (DHA), resulting in reports of staffing challenges at MTFs as the services retain control of some uniformed medical providers while DHA must staff all MTFs positions.

“The transition has presented some challenges with respect to balancing the military departments’ assignment of

military medical personnel for the provision of care at MTFs with assigning such personnel outside of MTFs to meet their medical and operational readiness missions,” the SASC report states. “The committee is concerned that given these newly created competing priorities for military medical staffing, there is a potential for issues to arise that might strain staffing or require additional coordination.”

The committee report directs the comptroller general (head of the GAO) to look into:

- Policies and procedures for assigning active duty medical personnel to MTFs
- Staffing trends at MTFs relative to authorized positions
- Factors that affect the availability of military medical personnel to deliver care at MTFs.

[[RELATED: Sign Up for MOAA's Legislative Action Center](#)]

The SASC report also requires a DoD briefing to the Armed Services Committees addressing not only military personnel staffing of MTFs, but also DHA's management structure to ensure unity of effort in the operation of MTFs.

Since the FY 2017 NDAA became law, MOAA has advocated for robust congressional oversight of MHS reforms. We appreciate Congress has responded to our concerns about

beneficiary access to care with four consecutive halts to medical billet cuts, including a five-year hold on the initiative in the FY 23 NDAA.

Protecting the military health care benefit remains a top priority for MOAA, and we look forward to leveraging the GAO report on MTF staffing in our future advocacy efforts.

MOAA's TAKE ACTION:

You may go to the MOAA National website www.moaa.org then go to the Advocacy tab at the top of the page, then select Legislative Action Center to Take Action on other important issues.

Just enter your information and then select as many issues as you want and send letters. Or use this link: [Legislative Action Center](#).

Chapter members can contact their Congressional office and request a meeting with a staffer from the office. You can also use the legislator's web site and send a message on their internal email.



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Opening of 200-Year-Old

Time Capsule at West Point Is

a Dud ... With a Twist



Paul Hudson, archeologist at the U.S. Military Academy at West Point, N.Y., displays coins found in a lead box placed in the base of a monument almost two centuries ago. (U.S. Military Academy via Flickr)

The live opening of a two-century-old time capsule at the U.S. Military Academy at West Point, N.Y., on Aug. 28 left an in-person crowd and a [worldwide online audience](#) with [little more than dust](#).

Until the school's archaeological team dug a little deeper.

Team members found six coins and a commemorative medal, dating from 1795 to 1828, in the capsule's sediment, according to an Aug. 30 press release [from the academy](#). Along with a Liberty dollar coin from 1800, the box included 50-, 25-, 10-, 5-, and 1-cent pieces, as well as a commemorative medal from 1826 [celebrating the completion of the Erie Canal](#).



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GLORIOUS INSULTS

‘He is not only dull himself, he is the cause of dullness in others.’ – Samuel Johnson

PA MOAA chapters have 1,400 members and another 10,591 MOAA national members live in PA and are not in chapters. That means our total PA membership is 11,991 and climbing.

Thank you for staying involved!

To find a Chapter or view Council newsletters go to our website:

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Never Stop Serving

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