

# United States Senate

WASHINGTON, DC 20510-3205

March 6, 2023

The Honorable Gilbert Cisneros Jr.  
Under Secretary of Defense for Personnel and Readiness  
4000 Defense Pentagon  
Washington, DC 20301-4000

Dear Under Secretary Cisneros:

Thank you for your recent statements recognizing the economic challenges facing our military families as they continue to defend our country.<sup>1</sup> We look forward to continuing to work with you to ensure our military has all the resources and support they need to succeed.

I am writing regarding the Department's actions to address a serious issue that was surfaced in the recent "Strengthening Food Security in the Force: Strategy and Roadmap" report. The finding that food insecurity impacts 24% of the current Armed Services reflects a crisis that demands a thoughtful and robust response.<sup>2</sup> Of particular note, the report recognizes that food insecurity is a threat to our military readiness and security:

"The Department must also be ever vigilant and quick to address any and all threats to the readiness of our men and women in uniform and their families, especially those that would impact their performance, health and wellness, and enduring professional success. One such threat is food insecurity."<sup>3</sup>

This is an issue that needs our immediate and continued attention. Congress took an initial step in the FY22 National Defense Authorization Act to create a Basic Needs Allowance ("BNA") to address food insecurity<sup>4</sup> and I have been watching closely as DoD moved towards implementation.

The November 15, 2022 DoD Instruction 1341.15 Basic Needs Allowance approved by Under Secretary of Defense for Personnel and Readiness Gilbert Cisneros, Jr. outlines DoD's plans to

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<sup>1</sup> See, e.g., *DoD Announces Immediate and Long-Term Actions to Help Strengthen the Economic Security and stability of Service Members and Their Families*, U.S. Department of Defense (Sept. 22, 2022), <https://www.defense.gov/News/Releases/Release/Article/3167769/dod-announces-immediate-and-long-term-actions-to-help-strengthen-the-economic-s/>.

<sup>2</sup> *Strengthening Food Security in the Force: Strategy and Roadmap* at 3, Department of Defense (July 2022), <https://media.defense.gov/2022/Jul/14/2003035423/-1/-1/1/STRENGTHENING-FOOD-SECURITY-IN-THE-FORCE-STRATEGY-AND-ROADMAP.PDF>.

<sup>3</sup> *Id.* at Preface.

<sup>4</sup> National Defense Authorization Act for Fiscal Year 2022 § 601, Pub. L. 117-81 ("FY22 NDAA").

implement the BNA program.<sup>5</sup> We have some questions and concerns as you move forward with this Instruction.

1. The FY22 NDAA defined gross household income (“GHI”) to include all household income and only excludes basic allowance for housing (“BAH”) “in the case of a member whom the Secretary concerned determines resides in an area with a high cost of living . . . .”<sup>6</sup> Unfortunately, since the passage of the FY22 NDAA, we have seen that the scale of the problem is larger than the scope of the BNA program with BAH included in eligibility calculations. By the Department’s own reporting, 24% of active-duty service members experienced food insecurity at some point in the previous 12-month period that DoD considered.<sup>7</sup> While the numbers will slightly change due to the FY23 NDAA raising eligibility to 150% of the federal poverty line, RAND recently reported that BNA-eligible members ranged from 1,135 service members with BAH included to 23,911 with it excluded.<sup>8</sup> To address this challenge, will the Department support an adjustment to the BNA policy in the FY24 NDAA to categorically exclude the BAH as counted income? It is imperative that the Basic Needs Allowance be structured and implemented to be maximally effective in order to fully respond to this crisis. If the Department will not support this effort, please provide information on the Department’s justification for its position.
2. In reviewing the Instruction, I am concerned DoD has created a benefits cliff that will unfairly penalize service members in need. For example, you define GHI as “all income derived from each member of the household from any source, *including government food assistance programs.*”<sup>9</sup> This appears to mean that a service member already receiving food assistance may not qualify to receive the BNA because the value of benefits received through WIC or another nutrition assistance program may take them out of eligibility. Is this how DoD understands the Instruction? If so, why was this approach taken when other federal benefits do not trigger benefits cliffs for other programs and when this structure potentially penalizes working spouses? What consideration did DoD make towards instead considering someone eligible for SNAP as automatically eligible for BNA, similar to how WIC approaches eligibility?
3. Relatedly, you advise that “Receipt of BNA may affect participation of the household in certain Federal assistance programs such as subsidized school lunch programs; [WIC]; . . . low-income utility assistance programs; day care programs; and other income-based programs.”<sup>10</sup> This is inconsistent with how other low-income support programs are calculated and appears to be driven by the conclusion that BNA is taxable income pursuant

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<sup>5</sup> DoD Instruction 1341.15: Basic Needs Allowance, U.S. Department of Defense (Nov. 15, 2022), [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/134115p.PDF?ver=tqF1mBA\\_PSHwdqogpkQFaw%3D%3D](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/134115p.PDF?ver=tqF1mBA_PSHwdqogpkQFaw%3D%3D).

<sup>6</sup> FY22 NDAA § 601(k)(1)(B).

<sup>7</sup> *Strengthening Food Security in the Force* at p. 3.

<sup>8</sup> Beth J. Asch, et al., *Food Insecurity Among Members of the Armed Forces and Their Dependents*, RAND Corp. (2023), [https://www.rand.org/pubs/research\\_reports/RRA1230-1.html](https://www.rand.org/pubs/research_reports/RRA1230-1.html).

<sup>9</sup> DoD Instruction 1341.15 at 17.

<sup>10</sup> *Id.* at 14.

to 26 U.S.C. § 61.<sup>11</sup> What led to this conclusion and what aspect of the creation of BNA suggests that it is a compensation for services (or other category covered by the general definition of income) instead of assistance for those potentially struggling with food insecurity? This benefit is targeted at the most vulnerable service members and should not force them into a choice that could cut them off from other assistance programs. Please specify if DoD believes a statutory change is needed to avoid cutting vulnerable service members off from other programs, whether DoD supports legislative action to ensure this does not happen, and why DoD is taking the position you identify in your response.

4. The Instruction states that each Secretary of the Departments and the Commandant of the Coast Guard are responsible for implementation of BNA procedures in accordance with the Instruction. I am aware from media coverage that the Air Force recently completed its initial screening and only 36 Air Force families would be eligible for the BNA.<sup>12</sup> What is the timing for the other branches to identify eligible personnel? And while the FY23 NDAA provides DoD a “no later than” date of January 1, 2024 to increase the income threshold to 150 percent of the federal poverty guidelines,<sup>13</sup> what actions will DoD take to accelerate implementation and increase eligibility in a more expedited manner given the scale of the need and the limited number of service members identified as eligible under the 130 percent standard?

Mr. Under Secretary, I appreciate your leadership and commitment to the troops and appreciate your consideration of our questions regarding the implementation and effectiveness of the Basic Needs Allowance. I look forward to working with you to ensure we continue to support our military families as they defend our freedoms.

Please contact provide a response no later than April 14, 2023.

Sincerely,



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Kirsten Gillibrand  
United States Senator

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Elizabeth Warren  
United States Senator

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<sup>11</sup> *Id.*

<sup>12</sup> Karen Jowers, *Allowance for the most at-risk military families begins to take shape*, Military Times (Dec. 2, 2022), <https://www.militarytimes.com/news/your-military/2022/12/02/allowance-for-the-most-at-risk-military-families-begins-to-take-shape>.

<sup>13</sup> James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 § 611(b), <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR7776EAS-RCP117-70.pdf>.