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TONY McCLAIN, STAFF DIRECTOR

May 20, 2020

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Ave. NW  
Washington, DC 20500

Dear President Trump,

I write today to express outrage over reports that the Administration plans to issue a “hard stop” on the deployments of more than 40,000 Guardsmen and women one day shy of when they would otherwise become eligible for critical federal benefits. In response to the COVID-19 pandemic, troops from the Army and Air National Guards across 54 states and territories have been put on state active duty or mobilized under Title 32 section 502(f) to assist local and state governments. Unfortunately, it seems as if this Administration is intent on nickel and diming these men and women at the expense of Americans suffering with COVID-19. At every turn the Department of Defense (DOD) and the Federal Emergency Management Administration (FEMA) are asking more and more of these Guardsmen and women, but utilizing them in a way that cheapens their service and fails to appropriately reflect the burden they are asked to bear. Starting in late March, with the first memorandum approving Title 32 orders, every decision made by this Administration has shown a lack of support for these men and women. That is unacceptable.

The National Guard stands ready to serve, as it always has. Since the beginning of the pandemic, more than 46,000 servicemembers have been activated – to date the largest activation of the National Guard since Hurricane Katrina. These Guardsmen and women are tirelessly supporting affected Americans in nursing homes, State Veterans Homes, food banks and testing centers. They are distributing critical personal protective equipment (PPE) and manning emergency operations centers in communities across the country. Many have answered the call without knowing the duration of their orders or to what specific missions they would be assigned. Now the Administration is seemingly asking them to accomplish their missions without any access to the benefits to which they are justly entitled.

Starting in February, the first troops from the National Guard began responding to the pandemic. But it was not until pressure from Congress, the Governors, and the National Guard Association of the United States, that this Administration authorized the first round of Title 32 orders. In the first memorandum, dated March 22, only three states were authorized to put servicemembers on Title 32 orders. However, 50 states, the District of Columbia, three territories, four tribes, and one tribal nation were already responding to the pandemic.

On March 28, Title 32 was extended to four additional states and two territories, but the orders were inexplicably limited to 30 days. Again it took outside pressure for the Administration to do the right thing and authorize orders for 31 days, making these men and women eligible for benefits more commensurate with their service. Then, in the April 20 Presidential memorandum, the Administration put a hard-stop date of May 31 on all authorized Title 32 orders. And again, it took outside pressure for the Administration to see that implementation of a hard-stop date would only hand-cuff the response and put servicemembers in limbo as to whether they could complete a mandated 14-day quarantine while on orders before returning home or to work.

This latest decision to cut deployments one day short of eligibility for federal benefits is further proof that this Administration does not properly value the service of our Guardsmen and women. Serving 89 days instead of 90 days blocks these men and women from receiving additional benefits toward their pensions, home loans, and education benefits. This does not even take into consideration all of the troops still on state active duty – often carrying out the same jobs as their peers on Title 32 orders, while responding to the COVID-19 pandemic. There is a clear, and deliberate, pattern of requiring servicemembers to do more, while actively seeking to deny them the benefits and compensation they have earned.

I understand the need to be good stewards of taxpayer dollars, but doing it on the backs of those who have answered the call to duty during an unprecedented national health emergency is unjust and unacceptable. I respectfully request that you take immediate steps to right this wrong, and to ensure the men and women of the National Guard have the ability to earn additional benefits commensurate with their increased service. They deserve nothing less.

Sincerely,

A handwritten signature in blue ink that reads "Jon Tester". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Jon Tester  
Ranking Member  
Senate Committee on Veterans' Affairs