

# Congress of the United States

Washington, DC 20515

May 22, 2020

President Donald J. Trump  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Secretary Mark T. Esper  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

Administrator Peter T. Gaynor  
Federal Emergency Management Agency  
500 C Street S.W.  
Washington, D.C. 20472

Dear Mr. President, Secretary Esper, and Administrator Gaynor:

We write today to raise a number of issues impacting the National Guard personnel deployed in support of the fight against Coronavirus Disease 2019 (COVID-19).

The National Guard has been critical in executing the nation's pandemic response efforts. Thousands of National Guard servicemembers have been providing invaluable support for testing civilians and Guard personnel, logistics and warehouse distribution, planning for Emergency Operations Centers, homelessness outreach, and much more. We also recognize that National Guard servicemembers have been supporting state efforts in high threat and high risk areas, namely, medical support to prisons; frontline testing at hot spots and critical infrastructure locations; supporting tracing operations; and providing direct care to COVID-19 positive citizens, including at care facilities like Veterans Living Centers and homeless populations.

Our national success in flattening the curve will not be possible without the contributions of the National Guard. We believe it is critical to ensure that all National Guard personnel are taken care of during this crisis and after, recognizing that the threat of COVID-19 will not immediately go away and the National Guard is likely to be called on again in the future.

Therefore, we urge you to consider our recommendations for addressing the following concerns immediately.

- **Federal Status:** We ask that you consider keeping all National Guard servicemembers supporting the COVID-19 mission on 502(f)(2) status rather than transitioning to State Active Duty (SAD) orders regardless of future FEMA reimbursement. This will ensure healthcare commensurate with the work they are performing is available. This will also ensure they are able to continue support to the nation's effort without uncertainty of status. If orders are to be extended on a month-to-month basis, we ask that all orders are 31 days or longer in duration and that the announcement of extensions be made early in the month in order to allow for preparation by each state's leadership teams.
- **Leave:** We are encouraged by the recent change that will allow National Guard members to sell back unused leave without penalty or roll over accrued leave to another activated status. We ask that you continue to provide National Guard members with flexibility in how they may utilize leave accrued during the COVID-19 response, and ensure necessary federal funding to support the different leave usage options.

- **Healthcare:** We ask that you ensure the National Guard members activated in support of COVID-19 are provided Transition Assistance Management Program (TAMP) benefits for 180 days after coming off orders, similar to their Reserve counterparts.
- **GI Bill and Retirement Benefits:** We believe that the service of National Guard members during this unprecedented emergency is deserving of the recognition intended by educational and retirement benefit programs in the spirit in which they were created. We encourage you to be inclusive of pandemic response affiliated military service to ensure that National Guard personnel are not being inappropriately prevented from accessing the benefits earned by their service.

We are proud of the incredible contributions of the National Guard. They have been a critical team member in the nation’s fight against COVID-19. We welcome your support in ensuring they are kept safe, healthy, and receive the benefits they deserve.

Sincerely,

/s/ Michael F. Bennet

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Michael F. Bennet  
United States Senator

/s/ Jason Crow

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Jason Crow  
United States Representative

/s/ Richard Blumenthal

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Richard Blumenthal  
United States Senator

/s/ Robert P. Casey, Jr.

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Robert P. Casey, Jr.  
United States Senator

/s/ Kyrsten Sinema

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Kyrsten Sinema  
United States Senator

/s/ Brian Schatz

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Brian Schatz  
United States Senator

/s/ Cory Gardner

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Cory Gardner  
United States Senator

/s/ Doug Lamborn

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Doug Lamborn  
United States Representative

/s/ Terri A. Sewell

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Terri A. Sewell  
United States Representative

/s/ Brian Fitzpatrick

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Brian Fitzpatrick  
United States Representative

/s/ Gilbert R. Cisneros, Jr.

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Gilbert R. Cisneros, Jr.  
United States Representative

/s/ Austin Scott

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Austin Scott  
United States Representative

/s/ Gary C. Peters

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Gary C. Peters  
United States Senator

/s/ Christopher A. Coons

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Christopher A. Coons  
United States Senator

/s/ Ron Wyden

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Ron Wyden  
United States Senator

/s/ Tammy Baldwin

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Tammy Baldwin  
United States Senator

/s/ Thom Tillis

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Thom Tillis  
United States Senator

/s/ Richard Burr

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Richard Burr  
United States Senator

/s/ Mark R. Warner

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Mark R. Warner  
United States Senator

/s/ Tim Kaine

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Tim Kaine  
United States Senator

/s/ Doug Jones

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Doug Jones  
United States Senator

/s/ James P. McGovern

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James P. McGovern  
United States Representative

/s/ Cheri Bustos

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Cheri Bustos  
United States Representative

/s/ Ed Perlmutter

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Ed Perlmutter  
United States Representative

/s/ Ed Case

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Ed Case  
United States Representative

/s/ Jimmy Panetta

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Jimmy Panetta  
United States Representative

/s/ Deb Haaland

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Deb Haaland  
United States Representative

/s/ Cindy Axne

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Cindy Axne  
United States Representative

/s/ Filemon Vela

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Filemon Vela  
United States Representative

/s/ Tulsi Gabbard

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Tulsi Gabbard  
United States Representative

/s/ Patrick Leahy

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Patrick Leahy  
United States Senator

/s/ Chris Van Hollen

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Chris Van Hollen  
United States Senator

/s/ Sherrod Brown

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Sherrod Brown  
United States Senator

/s/ Kirsten Gillibrand

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Kirsten Gillibrand  
United States Senator

/s/ Catherine Cortez Masto

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Catherine Cortez Masto  
United States Senator

/s/ Shelley Moore Capito

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Shelley Moore Capito  
United States Senator

/s/ Steve Daines

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Steve Daines  
United States Senator

/s/ Jeffrey A. Merkley

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Jeffrey A. Merkley  
United States Senator

/s/ Bernard Sanders

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Bernard Sanders  
United States Senator

/s/ Brian Higgins

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Brian Higgins  
United States Representative

/s/ Scott DesJarlais, M.D.

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Scott DesJarlais, M.D.  
United States Representative

/s/ Ruben Gallego

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Ruben Gallego  
United States Representative

/s/ Andy Kim

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Andy Kim  
United States Representative

/s/ Elissa Slotkin

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Elissa Slotkin  
United States Representative

/s/ Chrissy Houlahan

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Chrissy Houlahan  
United States Representative

/s/ Lori Trahan

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Lori Trahan  
United States Representative

/s/ Richard E. Neal

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Richard E. Neal  
United States Representative

/s/ Eleanor Holmes Norton

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Eleanor Holmes Norton  
United States Representative

/s/ Mike Crapo

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Mike Crapo  
United States Senator

/s/ John Hoeven

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John Hoeven  
United States Senator

/s/ Ted Cruz

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Ted Cruz  
United States Senator

/s/ Tina Smith

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Tina Smith  
United States Senator

/s/ Jacky Rosen

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Jacky Rosen  
United States Senator

/s/ Joe Manchin III

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Joe Manchin III  
United States Senator

/s/ Roger F. Wicker

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Roger F. Wicker  
United States Senator

/s/ Cindy Hyde-Smith

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Cindy Hyde-Smith  
United States Senator

/s/ Susan M. Collins

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Susan M. Collins  
United States Senator

/s/ Anthony G. Brown

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Anthony G. Brown  
United States Representative

/s/ Jim Cooper

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Jim Cooper  
United States Representative

/s/ Michael Waltz

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Michael Waltz  
United States Representative

/s/ Jared Golden

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Jared Golden  
United States Representative

/s/ Seth Moulton

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Seth Moulton  
United States Representative

/s/ Donald S. Beyer, Jr.

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Donald S. Beyer, Jr.  
United States Representative

/s/ Val Demings

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Val Demings  
United States Representative

/s/ Conor Lamb

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Conor Lamb  
United States Representative

/s/ Sheila Jackson Lee

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Sheila Jackson Lee  
United States Representative

/s/ Amy Klobuchar

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Amy Klobuchar  
United States Senator

/s/ Marco Rubio

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Marco Rubio  
United States Senator

/s/ Diana DeGette

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Diana DeGette  
United States Representative

/s/ Joe Morell

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Joe Morell  
United States Representative

/s/ Jim Himes

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Jim Himes  
United States Representative

/s/ Susan Wild

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Susan Wild  
United States Representative

/s/ Tim Ryan

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Tim Ryan  
United States Representative

/s/ Marcy Kaptur

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Marcy Kaptur  
United States Representative

/s/ Carolyn B. Maloney

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Carolyn B. Maloney  
United States Representative

/s/ Dwight Evans

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Dwight Evans  
United States Representative

/s/ Joe Courtney

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Joe Courtney  
United States Representative

/s/ Alcee L. Hastings

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Alcee L. Hastings  
United States Representative

/s/ A. Donald McEachin

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A. Donald McEachin  
United States Representative

/s/ Grace F. Napolitano

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Grace F. Napolitano  
United States Representative

/s/ Alma S. Adams, Ph.D.

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Alma S. Adams, Ph.D.  
United States Representative

/s/ Joe Neguse

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Joe Neguse  
United States Representative

/s/ Wm. Lacy Clay

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Wm. Lacy Clay  
United States Representative

/s/ Bill Pascrell, Jr.

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Bill Pascrell, Jr.  
United States Representative

/s/ Gerald E. Connolly

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Gerald E. Connolly  
United States Representative

/s/ Tom O'Halleran

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Tom O'Halleran  
United States Representative

/s/ Peter DeFazio

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Peter DeFazio  
United States Representative

/s/ G. K. Butterfield

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G. K. Butterfield  
United States Representative

/s/ Max Rose

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Max Rose  
United States Representative

/s/ Jim Banks

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Jim Banks  
United States Representative

/s/ Abigail D. Spanberger

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Abigail D. Spanberger  
United States Representative

/s/ David Trone

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David Trone  
United States Representative

/s/ Joe Wilson

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Joe Wilson  
United States Representative

/s/ Stephen F. Lynch

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Stephen F. Lynch  
United States Representative

/s/ Frank Pallone

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Frank Pallone  
United States Representative

/s/ Lizzie Fletcher

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Lizzie Fletcher  
United States Representative

/s/ Chris Pappas

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Chris Pappas  
United States Representative

/s/ Darren Soto

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Darren Soto  
United States Representative

/s/ Paul Tonko

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Paul Tonko  
United States Representative

/s/ Angie Craig

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Angie Craig  
United States Representative

/s/ William Timmons

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William Timmons  
United States Representative

/s/ Norma J. Torres

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Norma J. Torres  
United States Representative

/s/ J. Luis Correa

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J. Luis Correa  
United States Representative

/s/ Peter T. King

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Peter T. King  
United States Representative

/s/ Nanette Diaz Barragán

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Nanette Diaz Barragán  
United States Representative

/s/ Jim Langevin

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Jim Langevin  
United States Representative

/s/ Ann McLane Kuster

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Ann McLane Kuster  
United States Representative

/s/ Joaquin Castro

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Joaquin Castro  
United States Representative

/s/ Steve Womack

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Steve Womack  
United States Representative

/s/ Don Bacon

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Don Bacon  
United States Representative

/s/ Jack Bergman

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Jack Bergman  
United States Representative

/s/ Jeff Duncan

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Jeff Duncan  
United States Representative

/s/ Kurt Schrader

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Kurt Schrader  
United States Representative

/s/ Jamie Raskin

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Jamie Raskin  
United States Representative

/s/ Anthony Gonzalez

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Anthony Gonzalez  
United States Representative

/s/ C.A. Dutch Ruppersberger

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C.A. Dutch Ruppersberger  
United States Representative

/s/ Anthony Brindisi

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Anthony Brindisi  
United States Representative

/s/ Vicente Gonzalez

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Vicente Gonzalez  
United States Representative

/s/ Marcia L. Fudge

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Marcia L. Fudge  
United States Representative

/s/ Dean Phillips

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Dean Phillips  
United States Representative

/s/ Robert J. Wittman

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Robert J. Wittman  
United States Representative

/s/ Tom Cole

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Tom Cole  
United States Representative

/s/ Vicky Hartzler

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Vicky Hartzler  
United States Representative

/s/ Cedric L. Richmond

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Cedric L. Richmond  
United States Representative

/s/ Anna G. Eshoo

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Anna G. Eshoo  
United States Representative