## Congress of the United States Washington, DC 20515

August 05, 2020

The Honorable Mark Esper Secretary Department of Defense 1300 Defense Pentagon Washington, DC 20301-1000 The Honorable Chad F. Wolf Acting Secretary Department of Homeland Security 301 7th Street, SW, Mail Stop 0150 Washington, DC 20528-0150

Dear Secretary Esper and Acting Secretary Wolf,

While COVID-19 has thrown our nation into both a public health and economic crisis, the National Guard has stepped up to help, just as it has done so many times before. Our nation continues to rely on the expertise of the men and women of the National Guard to respond to the public health aspects of this disaster, from coordinating PPE deliveries to enhancing testing capabilities. Simultaneously, Title 32, Section 502(f) activations federally fund the work of those Soldiers and Airmen, preventing further aggravation of each state's economic disaster.

Given the effectiveness of the Guard in supporting our response to COVID-19, it has been troubling to witness piecemeal, last-minute extensions of those Title 32 activations over the past several months. Most recently, some states—waiting for yet another extension—had to demobilize "hundreds of troops who had been working on testing [and] contact tracing." The continued failure to adopt *conditions-based* activations and the certainty they would provide undermines states' public-health strategies. While we appreciate the new extension to December 31<sup>st</sup>, that deadline is just as arbitrary as the previous one set for August 21<sup>st</sup>. Because COVID-19 doesn't act on specific timelines, we urge you and the President to authorize Title 32 activations for as long as they're needed, *i.e.*, the duration of declared disasters or emergencies.

Furthermore, it is troubling to see the Administration end, without explanation, the 100% federal cost-share of these Title 32 activations. For months, the federal government has covered all the costs for these crucial deployments, but now the Administration reverted to the statutory *minimum*, demanding that states contribute 25%. This is not consistent with the treatment of these costs during previous disasters and undermines the overall response to the virus. We request a full explanation of the rationale behind this decision. We also note the exclusion of Texas and Florida from the new 75% cost-share arrangements<sup>2</sup> and request an explanation for

<sup>&</sup>lt;sup>1</sup> Ollstein, Alice Miranda. "Trump extends National Guard virus mission through 2020 but cuts federal funds by quarter." *Politico*. https://www.politico.com/news/2020/08/03/trump-national-guard-coronavirus-mission-391085.

<sup>&</sup>lt;sup>2</sup> Compare Memorandum on the Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery (Texas) (https://www.whitehouse.gov/presidential-actions/memorandum-extension-use-national-guard-respond-covid-19-facilitate-economic-recovery-texas/) and Memorandum on the Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery (Florida)

their exemption while the other 47 states and territories are now responsible for 25% of the costs. Without a fuller explanation and as currently proposed, it creates the perception that politics may be impacting which and how states receive assistance.

If recent trends are any guide, this pandemic is far from over. Give the states the help they need, for as long as they need it. Do it in a consistent manner. Likewise, the men and women of the National Guard who continue to make sacrifices for our public health need to be able to rely on consistent pay and healthcare coverage. There is no reason to continue playing bureaucratic and political games with either our governors or our neighbors in uniform. We look forward to your response and hope to hear about plans for a coherent, conditions-based strategy for the continued deployment of the National Guard.

Sincerely,

Cheri Bustos

Member of Congress

Max Rose

Member of Congress

Deb Haaland

Member of Congress

<sup>(</sup>https://www.whitehouse.gov/presidential-actions/memorandum-extension-use-national-guard-respond-covid-19-facilitate-economic-recovery-florida/) *with* Memorandum on the Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery (https://www.whitehouse.gov/presidential-actions/memorandum-extension-use-national-guard-respond-covid-19-facilitate-economic-recovery/).

## **List of Signatories**

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