



National Guard Association of the United States

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April 13, 2020

The Honorable Matthew P. Donovan
Under Secretary of Defense
Personnel and Readiness
4000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Donovan,

On behalf of the 450,000 members of the National Guard, we ask for your preemptive determination on Transitional TRICARE (TAMP) eligibility for Guardsmen being placed on active service in excess of 30 days under title 32 USC §502(f), in response to the COVID-19 Pandemic.

National Guard Soldiers and Airmen deserve full federal support and benefits as the primary uniformed military first responders to homeland emergencies, such as the current crisis. As of April 9, all 54 states and territories have declared emergencies in response to COVID-19 and more than 28,000 members of the National Guard across all 54 states and territories have been activated by their individual governors.

It is our understanding of title 10 USC §1145 and more specifically title 10 USC §101(a)(13)(b) that 6-month transitional TRICARE coverage is granted to any servicemember serving in a contingency operation. Title 10 USC §101(a)(13)(b) specifically outlines this as a series of title 10 deployment statuses and "...any other provision of law during a war or during a national emergency declared by the President or Congress."

As President Trump declared a national emergency on March 13, we contend that these title 32 USC §502(f) orders qualify for TAMP protections. Additionally, given the fact that these servicemembers are being deployed to a health emergency, with the risk of contracting the COVID virus, providing transitional health care as they demobilize is prudent. Soldiers and Airmen exposed to this virus deserve healthcare coverage for themselves and their families to ensure continuous protections in the event that they contract the illness.

We greatly appreciate the continued support you have provided National Guard servicemembers and their families. In these trying times, we must ensure that they are protected, both during and immediately following their deployment in response to this pandemic. We hope that the Department will expeditiously issue a determination of qualification under this national emergency so that we are prepared to provide healthcare without any break in coverage.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Roy Robinson".

J. Roy Robinson
Brigadier General (Ret.), U.S. Army
President, NGAUS