



October 2, 2020

MIC3 National Guard & Reserve Coverage Task Force (NGRTF) Final Recommendation

The NGRTF recommends that MIC3 support expansion of Compact coverage to all members of the Selected Reserve—including Traditional, Active/Guard Reserve, and Military Technician (Dual Status) members—for moves related to changes in duty station and for deployments in any active duty status—including Title 10, Title 32, and State Active Duty (SAD).

This recommendation is based in part on the following:

- All members of the U.S. military, both Active Duty and Selected Reserve, enlist with the very specific obligation to lay down their lives when so ordered, which is a very clear distinction from U.S. civilians and warrants expanding the legal protection of the Compact currently in force for Active Duty military to include part-time and full-time Guard and Reserve as well as Active Duty;
- All members of the Selected Reserve are required to regularly train with their reserve unit, and they can be involuntarily ordered to active duty under federal law;
- Since September 11, 2001, unprecedented numbers of Reservists have been federally activated for worldwide service, both involuntarily and voluntarily—nearly 960,000 activated as of September 2018;
- The Reserve has gone from a “force of last resort” to an integrated part of the military services, and the Total Force policy of the military services has included the Guard and Reserve for decades;
- In addition, the National Guard is regularly called to active duty (Title 32 and State Active Duty) in the aftermath of hurricanes, to fight wildfires, and help with other natural disasters. In the first few months of 2020, governors in all fifty states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands activated components of their National Guard—as many as 44,500 troops—to assist with the COVID-19 pandemic. And most recently governors in 28 states and DC activated more than 20,400 National Guard members to assist state and local law enforcement, making the total number of Guardsmen activated for domestic operations well over the 51,000 Guard members activated for Hurricane Katrina in 2005;
- In early June of 2020, 90,000 Guardsmen were on duty nationwide. Never have so many Guard soldiers and airmen been called at one time for domestic missions, according to the National Guard Association of the United States.

Furthermore, the NGRTF recommends that determining what form MIC3 support should take be referred to the appropriate MIC3 Standing Committee(s) so that all factors involved in that decision can be duly considered, including costs to the Commission and to the member states, as well as the time it would take to accomplish expanded applicability to the most members of the Selected Reserve in the most states.

This recommendation takes into account the following:

- The rule change process cannot be used to change Compact applicability, only Compact rules;
- The Commission may propose amendments to the Model Compact Language for enactment by the member states, but no amendment shall become effective and binding upon the Commission and the member states unless and until it is enacted into law by unanimous consent of the member states;
- States may not unilaterally amend the Model Compact Language in their law without risk to their Compact membership;

- Some member states have already enacted state legislation separate from their Compact statute to immediately extend coverage of the Compact within their states, but language differs among states;
- Expert legal counsel, at the expense of the Commission, will be required to research and create the specific language to accomplish the desired changes;
- There are numerous military support organizations that would endorse and likely assist MIC3 in any effort to expand Compact coverage to all members of the Selected Reserve—for example, the Enlisted Association of the National Guard of the United States (EANGUS), the National Guard Association of the United States (NGAUS), the Reserve Officers Association (ROA), and the Military Officers Association of America (MOAA). Other organizations, such as the National Governors Association (NGA), may be likely allies in any MIC3 effort to extend Compact support to include ALL military families.