

	<p>Number: 1-2017</p>
<p>Advisory Opinion issued by: Cherise Imai, Executive Director Richard L Masters, General Counsel</p>	<p>Dated: February 27, 2017 Approved: March 28, 2017</p>
<p>Requestor: Washington State</p>	
<p>Description: Whether the provisions of the Interstate Compact on Educational Opportunity for Military Children ("MIC3") apply to members of the U.S. Coast Guard.</p>	

I. **Background**

Pursuant to Article X, Section C. of the Interstate Compact on Educational Opportunity for Military Children (hereinafter 'Compact') the State of Washington has submitted a request for an advisory opinion concerning clarification of an issue pertaining to the Compact.

II. **Issue**

The Commissioner from Washington would like further guidance from the Military Interstate Children's Compact Commission concerning whether the provisions of the Compact are applicable to members of the U.S. Coast Guard.

III. **Applicable Compact Provisions or Rules**

Article III, Section A. 1. of the Compact provides:

"Except as otherwise provided in Section B., this compact shall apply to the children of:

- IV. *Active duty members of the **uniformed services** as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §1209 and §1211;" (emphasis supplied).*

Article II, Section A. of the Compact states that:

*"Active duty" means: full-time duty status in the active **uniformed service** of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C., §1209 and §1211." (emphasis supplied).*

Article II, Section R. of the Compact states that

*“Uniformed service(s) means: the Army, Navy, Air Force, Marine Corps, **Coast Guard**, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Service.” (emphasis supplied).*

When analysis of the application of a statute begins with examination of its text. Article II, Section A. of the Compact unequivocally defines 'active duty' as "full time duty status in the active **uniformed service of the United States**, including members of the National Guard and Reserve on active duty orders under 10 U.S.C., §1209 and §1211." (emphasis supplied)

V. Review and Analysis

When analysis of the application of a statute begins with examination of its text. Article II, Section A. of the Compact unequivocally defines 'active duty' as "full time duty status in the active **uniformed service of the United States**, including members of the National Guard and Reserve on active duty orders under 10 U.S.C., §1209 and §1211." (emphasis supplied).

Moreover, Article III, Section A.1. of the Compact, in equally unambiguous terms, provides that the provisions of the compact are applicable to "**active duty members of the uniformed services as defined in this compact . . .**" (emphasis supplied).

Article III, Section A. 1. of the MIC3 statute explicitly states that the compact is applicable to the children of active duty members of the uniformed services as defined in this compact . . ." Article II, Section R. expressly provides that 'uniformed service(s) means "the Army, Navy, Air Force, Marine Corps., Coast Guard . . . "

The intent of these compact provisions, including the above referenced definitions, can be determined from the plain meaning of the language used that the provisions of MIC3 are applicable to children of active duty members of the U.S. Coast Guard. This is also consistent with the relevant provisions of the Title 10 U.S.C. § 101. which provides that the term "**uniformed services**" means the "armed forces" defined in this same section of the U.S. Code as 'the Army, Navy, Air Force, Marine Corps, and Coast Guard.' See 10 U.S.C. § 101 (a) (4) and (5).

As the U.S., Supreme Court has reaffirmed, "Applying 'settled principles of statutory construction,' we must first determine whether the statutory text is plain and unambiguous and . . . [i]f it is, we must apply the statute according to its terms." *Carcieri v. Salazar*, 555 U.S. 379, 387 (2009); See also *Lamie v. U.S. Trustee*, 540 U.S. 526, 534 (2004) ("[When the statute's language is plain, the sole function of the courts – at least where the disposition required by the text is not absurd – is to enforce it according to its terms." (internal quotation marks omitted).

VI. Conclusion

In summary, by its explicit terms the provisions of the MIC3 statute are applicable to children of active duty members of the U.S. Coast Guard.