July 10, 2018

The Honorable John McCain  
Chairman  
Senate Armed Services Committee  
218 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Mac Thornberry  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Jack Reed  
Ranking Member  
Senate Armed Services Committee  
218 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman McCain, Chairman Thornberry, Ranking Member Reed, and Ranking Member Smith:

On behalf of the Council of Governors, we write to you in support of language in the Fiscal Year 2019 National Defense Authorization Act (NDAA) that would grant the President and the Secretary of Defense, upon request from a governor, the authority to authorize Title 32, section 502 (f) for National Guard members supporting the response to a catastrophic disaster.

As you know, 2017 was a dramatic year for response to natural disasters, including hurricanes, floods, mudslides and wildfires. The unprecedented scale of these disasters, totaling over $300 billion, highlighted the fact that the response cannot be supported by states and territories alone for such prolonged periods of time.

In light of this, the Council of Governors, Department of Defense, Department of Homeland Security and the White House agreed to work together to identify opportunities to improve the response to catastrophic incidents and develop recommendations for consideration.

As part of this work, governors emphasized to the federal government that the status quo is insufficient to meet the needs of our citizens during large scale disasters that require a large intra-government response. This is especially true for our National Guard.

The National Guard was critical in response and recovery efforts in 2017, with Guard units from across multiples states providing affected states with manpower and equipment. States did all
this on a moment’s notice, without thought to the impact on their own budgets and spending, as they know it is the right thing to do.

Additionally, governors highlighted the concern that our Guardsmen deploying over long distances and for long durations in response to natural disasters are not afforded the same protections and benefits as federal forces who also respond. Governors believe it is critical that the nation ensures equal protections for all those put in harm’s way, regardless of duty status.

Governors believe that a more streamlined and operationally effective model is attainable. In working with the federal government and reviewing the legal interpretation from the Department of Defense, the Council believes that the current authorities for the use of our National Guard are insufficient to meet the needs of responding to large scale and complex major disasters.

Governors believe that a catastrophic disaster is a matter of national security, and therefore warrants the full support of the federal government.

Therefore, we ask that the House and Senate conferees include language in the Fiscal Year 2019 NDAA that would allow the President and the Secretary of Defense, with the approval of the state or territorial governor, the ability to authorize National Guard under Title 32, section 502 (f) in the event of a presidentially declared catastrophic disaster. We believe this will help to enhance response efforts and provide standardized protection and benefits for all military personnel.

Additionally, the Council is concerned by the lack of a formal process for governors to request the activation of our National Guard under Title 32 in response to a presidentially declared catastrophic disaster. The Council can and will continue to work with the federal government to establish this formal process should Congress grant the authority, ensuring that its use remains limited in scope and minimizes the impact on overall military readiness.

For additional questions, please reach out to Rebecca Hobbes (Rebecca.Hobbes@gov.ok.gov) in Governor Fallin’s office and Dan DeSimone (Dan.DeSimone@ct.gov) in Governor Malloy’s office or Mary Catherine Ott (mcott@nga.org; 202.729.2867) at the National Governors Association.

Sincerely,

Mary Fallin
Governor of Oklahoma
Co-Chair, Council of Governors

Dannel Malloy
Governor of Connecticut
Co-Chair, Council of Governors

cc
The White House
The Department of Defense
The Department of Homeland Security