

Co-Chair
Governor Asa Hutchinson
Arkansas



Co-Chair
Governor David Ige
Hawaii

APPOINTED BY THE PRESIDENT OF THE UNITED STATES

April 22, 2019

The Honorable Kenneth P. Rapuano
Assistant Secretary of Defense
Office of Homeland Defense and Global Security
2600 Defense Pentagon
Washington, D.C. 20301

Dear Assistant Secretary Rapuano:

As the recently appointed co-chairs of the Council of Governors (“Council”), we would like to thank you and your staff for their support of the Council. This forum can be very effective in exchanging views, information, and advice to synchronize and integrate state and federal homeland defense and security activities. As the Department of Defense (“DoD”) works with the Council to establish the 24-month action plan, we also wanted to take this opportunity to express our concerns about existing coordination processes and our intentions for the operations and communications of the Council.

First, we must insist on existing communication channels being reinforced. In 2013, the Council and its Federal partners created the *State-Federal Consultative Process for Programming and Budgetary Proposals Affecting the National Guard* (“Consultative Process”). Despite this agreed-upon process, we recently discovered an Action Memo (SUBJECT: Improving DoD Support to Hurricane Response and Other Disasters) forwarded by you to then-Deputy Secretary of Defense Shanahan on May 30, 2018. This memo does not reflect, nor was it shared with, Council members who were in active negotiations with DoD on the same topic and during the same period. This Action Memo indicates coordination with

“... the Military Departments, USD(P&R), USD(A&S), USD(C)/CFO, OGC, ASD(LA), ATSD(PA), and the Joint Staff, who coordinated with the Combatant Commands.”

You also recommend further coordination with the

“... Secretaries of the Military Departments; USD(P&R); USD(C); OGC; the CNGB; Commander, NORTHCOM; and Commander PACOM.”

At no point is coordination with the Council noted nor recommended. Thus, we can only conclude that the memo’s findings and recommendations were not prepared within the bounds of the proscribed Consultative Process. Given that one of the memo’s attachments concludes

that “The Secretaries of the Military Departments; USD(P); CJCS; Chief, NGB; Commander, USNORTHCOM; and Commander, USPACOM, will adhere to the existing requirements general process, and not use DoD funds, including training funds, to pre-position assets for disaster relief operations, unless specifically authorized by the Secretary of Defense,” we are concerned about other similarly impactful memoranda that may be crossing your desk without the Council’s awareness.

We are personally committed to making the Council a success, and our requests are offered in that spirit. First, communication with Council members must be through the Council co-chairs. Governors are the chief executive officers of their states, and as such, often provide guidance from the top down. Direct communication from DoD to Adjutant Generals and representatives of other state agencies creates confusion and requires time to clarify or correct matters. Additionally, direct communication from DoD to Council members and their staff without prior coordination with the co-chairs has prompted questions about the communications protocol of the Council. For these reasons, we ask that the co-chair offices be consulted before any policy- or scheduling-related communique is sent to Council members or officials from their states.

Second, to ensure collaborative Council meetings, draft agendas should be submitted to the Council co-chairs at least three weeks in advance of any meeting. This will allow us to solicit additional agenda items from our Council members, provide states sufficient time to prepare for the meetings, and foster active participation by Council members and their staff. Because of the demands on governors’ schedules, including travel and overlapping legislative sessions, this lead time is critical.

Third, we request the continued engagement of the National Governors Association (“NGA”) in all substantive discussions. The NGA continues to be a valuable resource to Council members and can serve as a force multiplier for your staff. Indeed, some of the anticipated activities of the first planning meeting may be facilitated by research already conducted by NGA staff.

As co-chairs, the relationship between DoD and the Council will be most effective if the Council is an equal partner in this effort. We look forward to a productive working relationship with DoD that will benefit all states and the federal government. If you or your staff have any questions, please contact our chiefs of staff.

Very truly yours,

Asa Hutchinson
Governor of Arkansas
Co-Chair


David Y. Ige
Governor of Hawai‘i
Co-Chair

c: Alison Williams, Chief of Staff for Governor Asa Hutchinson
Ford Fuchigami, Chief of Staff for Governor David Ige
Mary Catherine Ott, National Governors Association