



Iowa



Washington

August 18, 2011

The Honorable Carl Levin
Chairman
Committee on Armed Services
U.S. Senate
Washington, D.C. 20510

The Honorable John McCain
Ranking Member
Committee on Armed Services
U.S. Senate
Washington, D.C. 20510

The Honorable Howard "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Adam Smith
Ranking Member
Committee on Armed Services
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Levin, Ranking Member McCain, Chairman McKeon and Ranking Member Smith:

We are pleased to inform you that governors have reached agreement with the Secretary of Defense and the Secretary of Homeland Security on two important documents: a model dual status commander Memorandum of Agreement (MOA) and a legislative proposal to authorize the call-up of Title 10 Reserve forces at the request of a governor and codify dual status command arrangements for disaster response.

The model MOA has been developed in coordination with the Department of Defense (DoD) to facilitate the use of existing dual status command authorities for no-notice events (32 USC §325 and 32 USC §315). The MOA would be signed by each governor and the Secretary of Defense to expedite the appointment of a mutually-agreed upon dual status commander during the response to a disaster when deemed appropriate. When requested by a governor, a dual status commander would be appointed to exercise control over both federal and state forces to ensure a unified response. The dual status commander will be a National Guard officer except for responses in an area of exclusive federal jurisdiction such as a federal military installation.

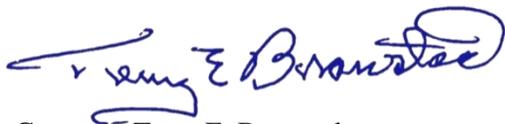
The draft legislation would provide the Secretary of Defense the authority to mobilize Title 10 Reserve forces at a governor's request to assist in the federal response to a domestic emergency and codify dual-status command as the "usual and customary arrangement" to assure unity of effort. As you know, DoD has sought the authorization to mobilize federal Reserve forces to close a gap in emergency response authority. The National Governors Association (NGA) opposed such legislation in the past due to concerns that it could lead to confusion and duplication of effort by establishing competing chains of command. We believe codification of the provision entitled "Usual and Customary Arrangement" will clarify that the governor will be the principal supported civil authority during a joint state-federal response except for incidents occurring in an area of exclusive federal jurisdiction. Since our initial opposition, the dual status commander concept has been developed, National Guard officers have been trained to serve as dual status commanders, and the draft MOA has been developed – these developments further allay our initial concerns.

We believe the MOA and the draft legislation properly address long-standing concerns of the nation's governors regarding the coordination of military forces during joint operations. Therefore, we are pleased to present the legislative proposal for your consideration and request your support in passing the legislation as part of the National Defense Authorization Act for Fiscal Year 2012.

Since its establishment last year, the Council has forged an effective partnership between governors, the Department of Defense, the Department of Homeland Security and the Administration on these and other issues of critical importance to our nation's security. We look forward to continuing to work with our federal partners to address other issues, including National Guard equipment modernization, force structure changes and enhanced federal funding for National Guard capital facilities.

Thank you for your support of these efforts. We look forward to working with you to pass this legislation and strengthen our nation's security.

Sincerely,



Governor Terry E. Branstad
Co-Chair
Council of Governors



Governor Christine O. Gregoire
Co-Chair
Council of Governors

Enclosures: Memorandum of Agreement
 Legislative proposal