

September 19, 2017

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:

As Commanders in Chief of our National Guard, governors write in strong support of provisions within both the House and Senate versions of the Fiscal Year 2018 National Defense Authorization Act (NDAA) regarding National Guard dual status technicians.

Governors have expressed our continued concerns over provisions of the Fiscal Year 2016 and 2017 National Defense Authorization Acts requiring 20 percent of all Title 32 dual-status military technicians be converted to Title 5 civilian employees. We've highlighted our deep concerns that any conversion will disrupt Guard operations, reduce the number of personnel available for immediate Governor-directed state emergency response and undermine the constitutional underpinnings of the Guard's duality of service.

Likewise, governors wrote to you earlier this year in support of legislation sponsored by Senator Manchin (S.766) and Representative Abraham (H.R. 1777) that would reduce the conversion rate to 4.8 percent, reflecting the Department of Defense's own internal analysis and evaluation on impacts to readiness. The legislation also proposes initiatives to modernize the military technician program by providing technicians with bonus eligibility, access to Tricare Reserve Select, priority placement post-military service and access to an effective appeals process.

Military technicians are the National Guard's first responders and are essential to operations in the states, territories and the District of Columbia. Military technicians serve as the core of a governor's immediate response force in times of emergency such as tornadoes, floods, wildfires and civil disturbances. Governors also remain concerned about the continued reduction to National Guard full-time support personnel due to ongoing budget challenges. We believe this conversion exacerbates this ongoing problem and further degrades the readiness of our National Guard.

We appreciate the Committees' willingness to work to reduce the conversion percentage for dual-status military technicians in this year's NDAA. However, we remain concerned about the overall impact. As such, we believe Congress should work to help minimize the impact of conversion on the readiness of the Guard and its ability to conduct both state and federal missions.

Therefore, it is critical Congress ensures language in this year's FY18 NDAA reflects the importance of the technician program. As you work in conference, we ask you to incorporate these provisions:

- **Conversion Percentage:** We understand that the current House section 501 reduces the required conversion percentage of dual status military technicians to 4.8 percent while Senate section 1045 reduces to 12.6 percent. As you know, the 2016 Department of Defense report, which took into consideration the Adjutants General analysis, found any conversion above 4.8 percent would degrade the readiness of the force. Because of the reported impact on readiness, we ask that you incorporate House section 501 and carefully weigh all the input provided by Governors, the Adjutants General, the Department of Defense and others to determine an equitable solution for conversion that does the least amount of harm to readiness.
- **Conversion Delay:** We ask that you retain House Section 501 which delays the conversion of military technicians until October 1, 2018. We believe an additional delay will help ensure secondary and tertiary effects can be flushed out, will provide ample time to analyze the impacts with the intent to minimize readiness degradations, and will provide opportunity for implementation to be a collaborative process between the 54 states and territories and the Department of Defense.
- **Tricare Reserve Select:** We ask that you retain Senate Section 703 which modifies 10 Code § 1076d to expand TRICARE Reserve Select to all members of the Selected Reserve of the Reserve Component. This provision is the right thing to do for the care of our service members and will increase readiness by making healthcare available to all service members.
- **Technician Program Modernization Report:** We ask that you retain Senate Section 1067 which requires a report on the mission, means of improvement, and ways to enhance the technician program. This report gives an opportunity to highlight key areas that can maximize readiness and suggest statutory relief to achieve that. We encourage the conferees to include the Council of Governors as a consulting body on this report to ensure that the state perspective is considered and incorporated.

Inclusion of these key priorities regarding our National Guard and military technicians is critical for ensuring our ability to respond to crises in a timely fashion as well as ensure parity for many of our deployed soldiers and airmen. These provisions will help ensure we resolve this issue for the benefit of all military technicians and the National Guard.

We stand ready to work with you, the National Guard Bureau, the Department of Defense and other interested parties on this issue as you work to complete work on this year's NDAA. We encourage you, as well as the Department of Defense, to work with the

Council of Governors and governors collectively as you consider other changes that help modernize the technician program in the future.

Sincerely,

Governor Brian Sandoval
Governor of Nevada
Chair, National Governors Association

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

Governor Stephen Bullock
Governor of Montana
Vice Chair, National Governors Association

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