



January 19, 2020

To: President Donald J. Trump and the Trump Administration
From: The Council of Governors
RE: Council Accomplishments 2019-2020

This memo contains a summary of the presidentially appointed Council of Governors work over the past two years. The Council appreciates the partnership of the Administration through the established working group to address key issues related to the National Guard, cybersecurity and disaster response and recovery, as well as reviewing and updating the Council's Charter.

Foundational Documents

The Council [approved several edits to its Charter](#) during the Feb. 7, 2020 plenary meeting. This included adding the administrator of the Federal Emergency Management Agency (FEMA) and the director of the Cybersecurity and Infrastructure Security Agency (CISA) to the list of participating federal officials and recommending a biannual review of the Council charter to ensure it remains up to date and relevant.

The Council of Governors found in its review that the *State-Federal Consultative Process for Programming and Budgetary Proposals Affecting the National Guard* ([Consultative Budget Agreement](#)) is fundamentally sound and did not recommend any changes to the agreement at this time. The Council believes there should be continued work on the agreement's implementation process to improve communications, transparency and understanding between Governors and the Department of Defense.

Cybersecurity

The Council reviewed the [2014 Joint Action Plan for State-Federal Unity of Effort on Cybersecurity](#) and believes it should remain an enduring foundational document, outlining the broad agreements by all of the parties while aligning future initiatives under the document as lines of effort. With that in mind, the Council established three main lines of effort related to cybersecurity:

- 1) Cyber Capacity and Coordination: Build cyber capacity of state and local partners, and coordination among the private sector, state and federal government.
- 2) Cyber Prevention: Protect against continuous threat through tactics such as a defined cyber prevention structure, criteria and best practices.
- 3) Cyber Response: Establish roles and responsibilities for cyber response based on incident.

In partnership with the Departments of Defense and Homeland Security, the Council helped to establish a [cyber incident situational awareness tool/information sharing platform and a roles and responsibilities matrix](#) to provide a better understanding of authorities and resources available to states.

- *Work to Address:* The Council identified several concerns over the complexity of authorities related to cybersecurity, specifically in dealing with critical infrastructure and the resources available to a state during a cyber event. Due to novel coronavirus (COVID-19), work was slowed but the below items were identified by the Council for continued work:
 - The Departments of Homeland Security and Defense are currently working to define roles and responsibilities at the federal level related to cybersecurity response efforts.

The departments committed to providing the Council a detailed summary of defined authorities once internal interagency work is completed.

- The federal partners have requested that Council states work to develop a list of gaps and challenges that require federal assistance or support.
- The Department of Homeland Security/Cybersecurity Infrastructure Security Agency will provide an overview of the whole-of-government cyber response plan in the case of a catastrophic cyber event and detail the use of the Economy Act in such an event and the possibility of a cyber “Stafford Act” to support state, territorial, tribal and local response.

Disaster Response and Mitigation

In working to identify disaster mitigation gaps and recommended solutions, the Council reviewed and endorsed the [National Mitigation Investment Strategy](#) (“NMIS” or Investment Strategy). This national strategy advances mitigation investment to reduce risks posed by natural hazards (for example, sea level rise, droughts, floods, hurricanes, tornados, wildfires, earthquakes) and increasing the nation’s resilience to natural hazards.

The Council also endorsed FEMA Region V’s [Mitigation Funding Resource Guide](#). Developed by FEMA Region V and the state of Ohio, this is a comprehensive catalog of resources which can be adopted by the states, territories and the District of Columbia. These resources may include grants, loans, technical assistance and in-kind services, among others. Recognizing the many funding programs that currently exist across various federal departments and agencies, this guide was developed to compile this information and make it accessible to those who want to advance mitigation action in their communities.

A full list of Council-recommended resources can be found [here](#).

- *Work to Address:* The Council on numerous occasions over the years has noted to the Department of Defense that *State-Federal Consultative Process for Programming and Budgetary Proposals Affecting the National Guard* is designed to ensure effective collaboration, consultation and communication on strategies, plans, programming and budgetary processes affecting the National Guard. Unfortunately, the Department of Defense did not consult with the Council nor states on two specific policy documents which will have significant impact on homeland, disaster and civil support missions, particularly in the cases of employment of Immediate Response Authority where timely approval would be required and the National Guard’s ability to provide non-reimbursable assistance to any non-DoD entity through training missions with incidental operational benefit, i.e., during disaster response.
 - [Improvements to Department of Defense’s Response to Future Catastrophic Disasters](#),
 - [Reimbursable Activities in Support of Other Entities](#)

National Guard Full-Time Support

The Council has been working to better understand the requirements and budget formulation processes within the Department of Defense. The Council is striving to improve state input into budgetary decision-making using the Council’s consultative process. The Council [wrote a letter](#) to the directors of the Air and Army National Guard relaying the Council’s views on the appropriate percentage of full-time support for the National Guard.

The Council articulated its belief that the Air National Guard’s full-time support levels are on par with the stated goal of meeting its validated requirement, but the Council remains concerned that the Army National Guard full-time support levels are, at this time, not meeting the needs of the nation.

- *Work to Address:* The Council asked federal partners, the Army in particular, about the resourcing rationale for full-time support for the Army National Guard. In order to respond to the question, the Army set up a briefing for Council state staff to address the issue. Unfortunately, while the briefing provided some useful information, it did not answer the question about the resourcing rationale for full-time support for the Army National Guard and why full-time support level is significantly less than the Army Reserve, Air Force Reserve and Air National Guard. The Council maintains that adequate full-time support is critical to the Army National Guard for the readiness, retention, and health and welfare of the force. The nation and its states have a vested interest in making sure that enough full-time support is funded to ensure optimal readiness, effectiveness of investments in training, and the ability to adequately care for our service members in alignment with the chief of staff of the Army's people-first priority.

Reserve Component Duty Status Reform

The Council worked with the Department of Defense on its reserve component duty status reform (DSR) proposal since last year. We appreciate the department's willingness to work with the Council, modifying the proposal to ensure that gubernatorial command and control over their respective National Guards is maintained.

- *Work to Address:* As the Department of Defense looks to resubmit its DRS proposal to Congress this year, we encourage active engagement and partnership with Governors and adjutants general. Moving forward, federal partners should continue to work with and engage states and adjutants general in the DSR efforts leading up to passage, and, should it pass into law, through the entirety of implementation.

Title 32 Authorization for National Guard Response to COVID-19

Since the start of the novel coronavirus (COVID-19) pandemic, the Council has strongly advocated for the use of Title 32 for National Guard response efforts. The [Council requested](#) that the Administration consider use of Title 32 for the National Guard in response to the novel coronavirus (COVID-19). The co-chairs also recommended against using the National Guard under Title 10 which would limit the ability of Governors to effectively manage their respective responses.

The Council appreciates the President's continued support in authorizing this authority.

Conclusion

Over the past two years, the Council and our federal partners have made great strides to improve the state-federal partnership. We thank you for appointing us to the Council and allowing the great work to continue.

cc:

Secretary of Defense
 Secretary of Homeland Security
 Administrator, Federal Emergency Management Agency
 Chief, National Guard Bureau