



James H. Douglas
Governor of Vermont
Chair

Joe Manchin III
Governor of West Virginia
Vice Chair

Raymond C. Scheppach
Executive Director

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

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

Dear Chairman Levin and Ranking Member McCain:

The nation's governors oppose efforts to provide the Secretary of Defense with expanded authorities to assist in the response to domestic disasters as part of this year's National Defense Authorization Act (NDAA). Governors remain concerned regarding proposed changes to the military's authority to engage independently in domestic emergency response situations. We strongly believe the consideration of any such proposals should be preceded by a discussion regarding the tactical control of forces serving inside a state during a disaster response.


It is our understanding that the Department of Defense (DoD) has asked Congress to grant the Secretary of Defense the authority to order Reserve forces to active duty to assist in disaster response as part of the NDAA conference agreement for Fiscal Year 2010. As you know, a similar provision was included in last year's House version of the NDAA, but was removed in conference because of governors' concerns. In the Joint Explanatory Statement that accompanied the bill, Congress made clear that DoD should engage governors to address their concerns before moving the proposal forward:

"The Department of Defense should engage with the community of governors to work out an understanding of unity of effort during domestic terrorist events and public emergencies. This key underlying issue must be addressed to allow this and other promising proposals to be enacted."

Recent outreach by officials at DoD to correspond with governors regarding their proposal is not sufficient to engender governors' support or justify moving ahead with the proposal at this time. As set forth in the attached letter we sent recently to Paul Stockton, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, governors welcome the opportunity to work with DoD to discuss unity of effort and tactical control during disasters and to identify legislative and operational opportunities to improve our response to such events. These discussions, however, should not be done hastily and should be designed to address concerns and forge understanding between governors and the department.

Fortunately Congress created the appropriate forum for discussing this issue when it called for the creation of the Council of Governors as part of the NDAA for Fiscal Year 2008. We've encouraged DoD and the Administration to establish the Council of Governors to facilitate consultation and coordination between the Secretary of Defense, the Secretary of Homeland Security, and governors on issues critical to homeland defense and emergency response. Your support in ensuring the Council of Governors is quickly established would help facilitate the dialog that must take place before any legislation regarding these issues moves forward.

Sincerely,



Governor James H. Douglas
Chair



Governor Joe Manchin III
Vice Chair

cc: The Honorable Ike Skelton, Chairman, House Armed Services Committee
The Honorable Buck McKeon, Ranking Member, House Armed Services Committee