



Tim Pawlenty
Governor of Minnesota
Chair

Edward G. Rendell
Governor of Pennsylvania
Vice Chair

Raymond C. Scheppach
Executive Director

July 10, 2008

The Honorable Ike Skelton
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, D.C. 20515

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

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 Skelton and Chairman Levin; and Ranking Members Hunter and McCain:

On behalf of the nation's governors, we write to express our opposition to Section 591 and Section 594 of the National Defense Authorization Act (NDAA) for fiscal year (FY) 2009, as passed by the House of Representatives. These sections would modify the Insurrection Act by expanding the power of the President to order Reserve component forces other than the National Guard to active duty for domestic emergencies.

On its face, this provision would give the President the capability to rapidly muster a sizeable federal force from Reserve units in a state during an emergency or disaster. While the availability of Reserve forces, equipment and resources to assist in disasters is welcomed, we are concerned that the provision could disrupt the unity of effort in response as federal forces under federal command respond alongside National Guard forces under a governor's authority. The issue of a governor's authority over all forces during a domestic emergency or disaster must be resolved before changes are made to the Insurrection Act.

Recently the Commission on the National Guard and Reserves recommended that governors be given the authority to exercise tactical and operational control of federal forces when engaged in disaster relief or domestic emergency response. This would assure unity of effort and would be limited to direction and assignment of missions so as not to threaten the President's capacity as commander in chief. The Stafford Act gives governors the responsibility to alleviate suffering and recover from the destruction of disasters. Unity of effort by all forces is essential in accomplishing this task.

In the absence of the ability by governors to exercise tactical and operational control over federal forces, Sections 591 and 594 would give the President the capacity to operate a mission in the state which may

obfuscate the unity of effort. Therefore, we urge you to remove Section 591 and Section 594 from the FY 2009 NDAA and conduct hearings on this proposed modification to the Insurrection Act.

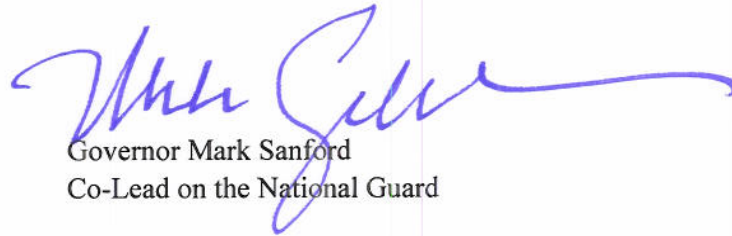
In addition, we urge you to give governors (through their Adjutant Generals) tactical and operational control over federal forces while they are engaged in emergency response in a state. This would provide for a unity of effort in delivering emergency services to the citizens of our states.

Governors stand ready to work with you and would welcome the opportunity to explore ways to improve our domestic response to emergencies and disasters.

Sincerely,

A handwritten signature in black ink that reads "Mike Easley". The signature is fluid and cursive, with the first name "Mike" being larger and more prominent than the last name "Easley".

Governor Michael F. Easley
Co-Lead on the National Guard

A handwritten signature in blue ink that reads "Mark Sanford". The signature is very fluid and cursive, with a long, sweeping horizontal line extending to the right from the end of the name.

Governor Mark Sanford
Co-Lead on the National Guard