

# United States Senate

WASHINGTON, DC 20510

August 26, 2011

General Craig McKinley  
Chief of the National Guard Bureau  
1411 Jefferson Davis Highway  
Arlington, VA 22202-3231

Dear General McKinley:

Earlier this year we jointly introduced S. 1025, the National Guard Empowerment and State-National Defense Act of 2011. We are very pleased and excited by how other senators have responded to the bill so far, and we are hopeful that its provisions may very soon be taken up by the Senate and passed.

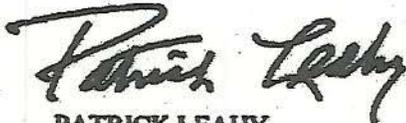
Despite the mostly positive reactions we have heard to our bill, we have noted with disappointment some of the official responses of the Department of Defense to one particular provision of the bill which would make the Chief of the National Guard Bureau a statutory member of the Joint Chiefs of Staff. In order to better understand the reservations some Pentagon leaders have expressed, we would like to ask your position on two specific issues that have been raised in correspondence and in congressional testimony.

First, do you believe, as some in the Pentagon have argued, that adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff would create the impression that the National Guard of the United States is a separate military service, or that such a change would detract in any way from the unity of authority the Chiefs of Staff of the Army and Air Force enjoy over their respective military services?

Second, is it accurate in your view that the Chief of the National Guard Bureau does not have budgetary authority and responsibility? Do you believe that budgetary authority and responsibility are necessary to perform the statutory duties of a member of the Joint Chiefs of Staff?

We very much appreciate all you do for our nation and for the National Guard. Thank you for your attention to this letter and your expeditious reply.

Sincerely,



PATRICK LEAHY  
Co-Chair  
U.S. Senate National Guard Caucus



LINDSEY O. GRAHAM  
Co-Chair  
U.S. Senate National Guard Caucus



**NATIONAL GUARD BUREAU**

1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

**SEP 19 2011**

Chief, National Guard Bureau

The Honorable Patrick Leahy  
The Honorable Lindsey O. Graham  
Co-Chairs  
United States Senate National Guard Caucus  
Washington, DC 20510

Dear Senator Leahy and Senator Graham:

I appreciate the opportunity to respond to your letter of August 26, 2011, and provide my opinion and clarifications regarding the provision of S. 1025, the *National Guard Empowerment and State-National Defense Act of 2011*, to make the Chief of the National Guard Bureau (CNGB) a statutory member of the Joint Chiefs of Staff (JCS). Addressing your specific questions, making the CNGB a member of the JCS would not detract from the authority of the Chiefs of Staff of the Army and the Air Force or cause disarray; the CNGB possesses unique budgetary authority and responsibility. The views expressed herein do not reflect those of the Department of Defense (DoD).

The National Guard of the United States is by statute a reserve component (RC) of the U.S. Army and Air Force, and representation on the JCS would not degrade that relationship. We are very proud of our history with and lineage to the U.S. Army and the U.S. Air Force. Never have we contemplated abandoning our historical ties, and suggestions that adding the CNGB as a JCS member would create a separate military service are divisive and unfounded. Pride in our Service affiliations is a core competency of the National Guard. The Secretaries of the Army and the Air Force would continue to prescribe the training of the National Guard, procure its equipment, and validate its requirements. The Directors of the Army and Air National Guard would continue to participate in planning and budgeting meetings as representatives of the RCs of those services.

Statutorily, the CNGB is a principal advisor to the Secretary of Defense through the Chairman of the JCS on matters involving non-federalized National Guard matters that are not under the authority and direction of the Secretaries or the Chiefs of Staff of the Army and the Air Force. As the "channel of communications", the CNGB is the most current and knowledgeable source of information within the federal government about the National Guard in its non Title 10 roles, and is thus the best single source of advice for leaders about unique Guard-related matters, particularly those which are critical to homeland defense. Two that stand out are the CNGB's expertise in the National Guard's employment and deployment for domestic purposes, and the vitally important interagency collaboration needed for domestic response in the homeland. Indeed, roughly 70 percent of DoD's response to Weapons of Mass Destruction is comprised of National Guard forces.

Threats faced by the United States have significantly grown since the 1990s, especially in the decade since 9/11 when America herself became a battleground. Domestic response in the homeland is a matter of national security with international ramifications. In light of these changes, the duties of the JCS were adjusted; in 2006, providing military advice to the Homeland Security Council was added to the JCS statutory responsibilities. The CNGB is uniquely positioned to both provide situational awareness of state and federal military forces operating in unity of effort in the homeland and to ensure that resourcing decisions fully consider the domestic mission. Adding CNGB as a full member of the JCS would be the next logical step to improve the Joint Chiefs' ability to provide the best possible military advice to civilian leaders.

The CNGB's advice and opinion are also uniquely relevant because DoD policy charges CNGB with responsibility to "facilitate and deconflict the use of National Guard forces among the States to ensure that adequate and balanced forces are available and responsive for domestic and foreign military operations, consistent with national security objectives and priorities." Whereas the Service Chiefs provide definitive advice as to the capabilities of their federal RC to perform foreign military operations, only the CNGB can speak with authority on the strategic balancing required to ensure that the National Guard forces of the 54 states and territories have the capability to perform their warfighting missions and their domestic missions.

Under U.S. Code Title 10, Chapter 1011, which establishes the National Guard Bureau, the Secretary of Defense-approved charter (DoD Directive 5105.77) specifies CNGB's functions and responsibilities, both as identified in the statute and others. Relative to National Guard budgets and capabilities, the DoDD indicates the CNGB shall:

a. Plan, program, and administer the budgets of the Army National Guard of the U.S. and the Air National Guard of the U.S. The CNGB is directly responsible for nearly \$25 billion annually, and is the appropriation sponsor for National Guard Military Personnel, Operations and Maintenance, Military Construction, and Procurement (via National Guard and Reserve Equipment Appropriation), and thus responsible for producing a President's Budget submission to Congress for these appropriations.

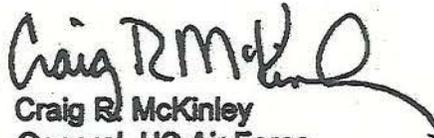
b. Supervise the acquisition and supply of federal property through the U.S. Property and Fiscal Officers (USPFO) appointed under section 708 of Title 32, U.S. Code. The USPFOs work directly for the CNGB and provide the federal oversight and accountability of federal funds and property issued to the States, Territories, and District of Columbia, to ensure compliance with the Purpose and Anti-Deficiency Acts as well as with diverse DoD directives and regulations.

Although the CNGB has clearly delineated budgetary authority, this authority and responsibility are not necessary to perform JCS members' statutory duties, which include providing military advice to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. This advisory role is separate and distinct from the role they fulfill in leading and administering their respective Services, whose budgets are ultimately the responsibility of the Service Secretaries. Duty as a Joint Chief is additive to, and not a function of, Service responsibilities.

Considering the example of the Navy and Marine Corps Chiefs both being members of the JCS contradicts any contention as to a separate Service being divisive, or a Service having authority without accountability. The Marine Corps is part of the Department of the Navy and their budget request to Congress is included inside the Navy request. Yet no one would argue that the Marines are hindered by this construct in being able to articulate their requirements or deliver their unique capabilities. The CNGB has a similar Departmental-level role, and, as outlined above, also possesses significant budget authorities and responsibilities.

Thank you for affording me the opportunity to provide these clarifications and for your steadfast leadership of the National Guard Caucus.

Sincerely,

  
Craig R. McKinley  
General, US Air Force  
Chief, National Guard Bureau