

United States Senate

WASHINGTON, DC 20510

November 7, 2011

Dear Colleague:

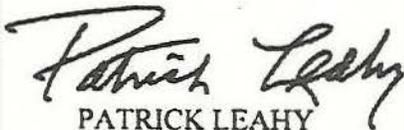
As you know, the Senate Armed Services Committee has convened a hearing at 9:30 a.m. on Thursday to receive testimony on the matter of adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff. The General Counsel of the Department of Defense, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Military Service Chiefs of Staff, and the Chief of the National Guard Bureau will all be present to offer testimony.

Because this hearing addresses the headlining provision of this Congress's National Guard Empowerment Act, S. 1025, we thought it might aid you in your preparation for the hearing to receive some background materials we have collected. Along with a memo and talking points, we have included several attachments described and annotated in the memo to help you more easily navigate the full discussion of our legislative proposal this year.

Before suggesting that the Congress add the Chief of the National Guard Bureau to the Joint Chiefs of Staff, we thoroughly analyzed the probable outcomes of our proposal and the probable outcomes of maintaining the status quo. Our conclusion was that while both approaches have risks and potential benefits, adding the Chief to the Joint Chiefs of Staff presents many more benefits than it does risks. We agree that the Congress should not make this change casually, and we commend Senator Levin and Senator McCain for scheduling this hearing. We hope that the hearing will confirm for others the wisdom of our proposal and diminish any lingering doubts that some may harbor about giving the National Guard a seat at the table and a voice in national security decision making.

If you have any questions about these materials, or if you would like to receive electronic copies of any of the enclosed documents, please have a member of your staff contact Will Goodman in the office of Senator Leahy at 4-4242 or Sergio Sarkany in the office of Senator Graham at 4-5972.

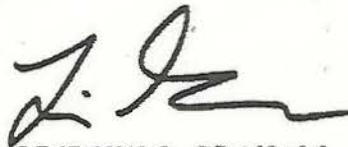
Sincerely,



PATRICK LEAHY

Co-Chair

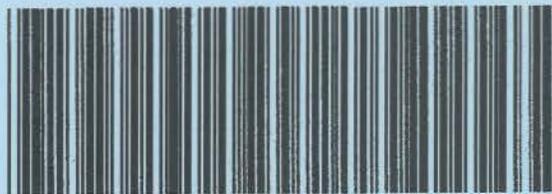
U.S. Senate National Guard Caucus



LINDSEY O. GRAHAM

Co-Chair

U.S. Senate National Guard Caucus



CMSSEPARATOR

MEMORANDUM

TO: Members of the Senate Armed Services Committee
FR: The Senate National Guard Caucus
RE: Adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff
DA: November 7, 2011

This memo and the attached talking points are for your information on the matter of adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff.

Why change the status quo? Over the past decade, the National Guard has undergone a profound and historic change. Once a hollow force considered only a “strategic reserve” for nightmare contingencies, the National Guard has become an “operational reserve” that deploys in regular rotation with the Active and Federal Reserve components. As a matter of policy and reality, Army and Air National Guard troops from states around the country shoulder their load overseas and carry a disproportionate share of the domestic response and disaster relief mission at home, including response to CBRNE contingencies. Yet institutional support for the National Guard still lags behind its operational role. Today’s National Guard is a superb 21st century force trapped inside the 20th century Pentagon bureaucracy. Without raising the profile of the Chief of the National Guard Bureau (CNGB) in the supreme military decision making forum of the Department of Defense—the Joint Chiefs of Staff (JCS)—the United States will miss an opportunity to capitalize on positive changes begun in response to the post-9/11 operations tempo. Particularly in this period of flat-lining or even declining Pentagon budgets, DoD will need to increase the role of the Guard and Federal Reserve as an element of the overall active/reserve force mix. Without the CNGB on the JCS, the unique experience of nearly half a million members of the National Guard will continue to be largely unknown, and their voices, interests, and concerns will go unheard for the most part.

What is the legislative picture? Senator Rockefeller introduced S. 242, the Guardians of Freedom Act, in early 2012, the sole provision of which would add the CNGB to the JCS. In May, Senator Leahy and Senator Graham introduced S. 1025, the National Guard Empowerment Act, which has as one of its 10 provisions a provision which would add the CNGB to the JCS. So far 66 senators have co-sponsored S. 1025 and even more have committed to co-sponsor or support its corresponding amendment to the National Defense Authorization Act. **A section-by-section summary of S. 1025 is included at the third tab, and a full version of the NDAA amendment is included at the fourth tab.**

How has the Pentagon responded? The Department has not produced an official response to S. 1025. However, DoD responded to S. 242 regarding its provision adding the CNGB to the JCS in S. 1025. General Dempsey, the Chairman of the Joint Chiefs of Staff, also offered testimony on the matter during his confirmation hearing in July. **The S. 242 letter and General Dempsey’s testimony are at the fifth tab.** The S. 242 letter recognizes that since the CNGB received his fourth star in 2009, he has attended many JCS meetings, but argues that the CNGB’s statutory inclusion on the JCS would create the misperception of a separate service. In his testimony, General Dempsey repeated the assertion of the S. 242 letter and added that the CNGB does not have budgetary authority (however, as noted below, that point is factually inaccurate).

What does the CNGB think? In August, in response to General Dempsey's testimony, Senator Leahy and Senator Graham wrote to General McKinley, the CNGB, asking him if General Dempsey's arguments had merit. General McKinley replied that his participation as a statutory member of the JCS would not impede in any way the relationship of the Army or Air Guard to their parent services. He pointed out that only the CNGB can share military advice reflective of state forces. He identified the factual inaccuracies of General Dempsey's claim that the CNGB has no budgetary responsibilities, and then he clarified the distinction between the managerial responsibility central to the role of a Service Chief and the advisory responsibility central to the role of a member of the JCS. He noted that his role on the JCS would be substantially similar to the role of the Marine Corps with regard to budgetary authorities and that the relationship of the Navy and the Marine Corps is not confused in any way by the Commandant having his own vote on the JCS. **The CNGB's letter and its solicitation are at the sixth tab.**

What do the Adjutants General (TAGs) think? In response to this hearing, the Adjutants General prepared a letter, signed by Major General Michael Dubie, the President of the Adjutants General Association of the United States, which makes several strong cases for adding the CNGB to the JCS. The TAGs note that none of the other military components of the DoD have the unique federal/state mission of the National Guard and that the CNGB must be given a full voice on the JCS to make sure that the Chairman, Secretary of Defense, and President receive the best and most accurate military advice possible on the domestic mission of the DoD as well as its overseas mission. The TAGs also refute the assertion that adding the CNGB to the JCS will somehow divide the Army and Air Force. The TAGs go so far as to say, "The Chief of the National Guard Bureau can no longer fully perform the duties of his office without being a member of the Joint Chiefs of Staff."

Prior to Monday's TAG letter, MG Vadnais, the TAG of Michigan, had offered the most complete set of arguments in favor of adding the CNGB to the JCS in correspondence to Senator Levin and his fellow TAGs. In his first letter, he points out that the National Guard comprises nearly half a million uniformed service members—larger than the active duty Air Force, Navy, and Marine Corps—and yet still does not have a vote on the JCS. He notes that the same arguments against adding the CNGB to the JCS were employed to keep the Commandant off the JCS in the 1947 National Security Act, a decision that was later corrected by the Senate in 1978. In his second letter to Senator Levin, MG Vadnais disputes General Dempsey's confirmation testimony. He writes that the CNGB is a joint position and cannot, by role, create a situation of dual oversight of the Army or Air Force. He also states that General Dempsey's argument about budgetary authority of the CNGB confuses the managerial role of a service chief with the advisory role of a joint chief. MG Vadnais thoroughly expands on those two points, and others, in a follow up letter to his fellow TAGs. **The TAG letter and MG Vadnais' letters are at the seventh tab.**

What statements has the President made? During the 2008 Presidential campaign, Vice President Biden committed the Obama Administration to adding the CNGB to the JCS. This campaign promise was also included *The Blueprint for Change: Barack Obama's Plan for America*. In a letter, the National Guard Association of the United States (NGAUS) asked the President to renew his commitment to this promise. President Obama delegated the response to then-Chairman Mullen, who wrote that the CNGB is often included in JCS meetings but that his

formal addition to the JCS would disrupt the Service lines of authority and diminish the stature of the Federal Reserves as the only component not represented on the JCS after the inclusion of the CNGB. **The NGAUS letter and the Mullen response are at the eighth tab.**

What are the positions of the Chairman, the Army, and the Air Force? In early October, Senator McCain sent a letter soliciting the opinions of the Chairman and the Service Chiefs on the matter of including the CNGB on the JCS. General Dempsey recommended against the change along "with the full concurrence of the Joint Chiefs," saying that although he is an admirer and strong supporter of the Guard, he opposed any change that would appear to divide up the unity of authority of the Service Chiefs of Staff. Secretary McHugh and General Odierno add in their letter that the addition of the CNGB on the JCS would create an imbalance among the Reserve Components, that adding the CNGB would weaken civilian control of the military, and that the change would "creat[e] a de facto separate domestic military service..." The Air Force response largely reprises the "unity of the service" argument found in other letters. **The McCain, Dempsey, Army and Air Force letters are at the ninth tab.**

Have any interest groups spoken out in favor of Guard empowerment? Numerous defense and veterans interest groups have come out in favor of S. 1025. The Veterans of Foreign Wars, the American Legion, the National Governors Association, and the National Guard Coalition have all written letters of support. In particular, the VFW letter challenges the assertions of the Service Chiefs in claiming that adding the CNGB to the JCS will somehow harm the unity of the military services. **The interest group letters are included at the tenth tab.**

A summary of arguments for adding the CNGB to the JCS. The Guard has performed incredibly well over the last 10 years and has shouldered more than its share of the war fight. Guardsmen and women across the nation are looking to this change as recognition of their sacrifice at a time when our country is asking them to do more than ever.

The CNGB understands his role is as the joint Guard representative and not a Service representative. Neither he nor future Chiefs of the NGB will encroach on the roles, responsibilities, or authorities of the Service Chiefs.

The arguments being used to keep the CNGB off of the JCS are the same that were used to keep the Commandant of the Marine Corps off of the JCS prior to 1978. But the Commandant is a valued member of the JCS, and no one today would argue that he should be removed or that his advice has not been valued and valuable for the last 30 years.

General Dempsey has already committed to inviting the CNGB to all meetings of the JCS. So clearly there is no hesitation about having the CNGB in the room, and his opinion is considered valuable. But whether the CNGB is a participant on the JCS cannot be a matter of the personal preferences of the particular Chairman in question. Given his current inclusion in the JCS, this change is mostly a symbolic assent to 450,000 Guardsmen across the country that they are no longer second-class citizens or "weekend warriors." Fighting this change—especially in the face of so much momentum in Congress—will be a slap in the face to the Guard.

The Chief has budgetary authorities and responsibilities that will be important to the deliberations of the JCS in the future. Without the Chief having a formal vote on the JCS, the active component-heavy service staffs may put forward recommendations to the Service Chiefs that will illogically slash the Guard and Federal Reserve budgets at a time when we need them more than ever as our most cost-effective fighting forces. Without a formal say, the Chief will not be able to have his own staff evaluate those recommendations and either affirm them or point out their flaws. He also will not have an opportunity to put forward his own programmatic and cost-saving recommendations.

No other group of almost half a million uniformed service members have been denied a voice or their own representation in the JCS.

This change is overdue. Like most change, the bureaucracy is resisting it, but in reality this change only updates the institutions of the CNGB and the JCS to reflect the operational reality on the ground in the wars overseas and in homeland defense and security operations.

A summary of arguments against adding the CNGB to the JCS and responses to them.

1. Having the CNGB on the JCS would disrupt the military service lines of authority, introduce redundancies, or create the impression that the National Guard is a separate military service.

Response: The CNGB is a joint, not a service-specific, position. As a practical matter, the CNGB does not and cannot represent his own service perspective. His presence on the JCS is simply to note those unique aspects of National Guard service that the military service chiefs cannot convey, as all of them have served only in the active component. Moreover, DoD Directive 5105.77 paragraph 5.1.8. specifies that the CNGB shall: *"Implement DoD, Department of the Army and Department of the Air Force guidance on the structure, strength authorizations, and other resources of the Army National Guard of the United States and Air National Guard of the United States."* Therefore, by charter role, to the extent that the CNGB does comment on any service-specific matter, he does so only in support and as a component of the Army and Air Force. For reference to the delineated roles and responsibilities of the CNBG, the rest of the NGB Charter can be found at: <http://www.dtic.mil/whs/directives/corres/pdf/510577p.pdf>

By this argument the Pentagon should seek to disestablish the Chairman and Vice Chairman of the JCS. General Dempsey and General Odierno are both Army four star generals, yet they both offer their own independent military advice without confusing the fact that General Odierno, and only General Odierno, speaks for the Army. Likewise for Admiral Winnefeld and Admiral Greenert. The same fact is true about the CNGB—his presence on the JCS will not impinge on the roles of the Chiefs of Staff of the Air Force or the Army.

This argument was also used before 1978 to oppose adding the Commandant of the USMC to the JCS as a voting member. Opponents said such a move would give the Navy two votes, or that it would split up the unity of the Department of the Navy. Neither point has proven true.

In the January 31, 2008, Commission on the National Guard and Reserves Final Report, the Commission found that *"The Service Secretaries do not have senior representation on their staffs from the Army and Air National Guard. By law, the only advisor to the Army and Air*

Force on National Guard matters is the Chief of the National Guard Bureau, and the Chief of the National Guard Bureau is not a member of the Army or Air Force staffs." The Commission went on to indicate that, *"The current approach to managing the reserve components was created and evolved during an era when the reserve components were intended to be used as a strategic reserve. If the use of the reserve components as an operational force continues, then it will be necessary to reform the reserve components' leadership structures to sustain that force."*

2. Adding the CNGB to the JCS is inconsistent with current JCS membership.

Response: Statutorily, the CNGB is the principal advisor to the Secretary of Defense through the Chairman of the JCS 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. The CNGB is the most current and knowledgeable source of information within the federal government regarding the National Guard in its non-federalized roles and is the best single source of advice for leaders concerning unique Guard-related matters, particularly those which are critical to homeland security and defense.

3. Adding the CNGB to the JCS is unnecessary because the CNGB is not accountable for budget submissions.

Response: The NGB Charter, DoD Directive 5105.77, specifies that the CNGB shall *"plan, program, and administer the budgets of the Army and Air National Guard of the U.S."* The CNGB is directly responsible for nearly \$25 billion annually, and is the appropriations sponsor for National Guard Military Personnel, Operations & Maintenance, Military Construction, and Procurement (via the National Guard and Reserve Equipment Account). He is responsible for producing input to the President's Budget submission to Congress for six of these appropriations accounts. The CNGB also supervises the acquisition and supply of federal property through the U.S. Property and Fiscal Officers (USPFO) appointed under Section 708 of Title 32. Although the CNGB clearly has delineated budgetary authority, this authority and responsibility are not necessary to perform JCS statutory duties which include: *"providing military advice to the President, National Security Council, Secretary of Defense, and the Homeland Security Council."* This advisory role is separate and distinct from the roles the Service Chiefs fulfill in leading and administering their respective Services, whose budgets are ultimately the responsibility of the Service Secretaries.

Even if the CNGB did not have budgetary responsibility, which he clearly does, budgetary responsibility is not a key requirement for members of the JCS. Neither the Chairman nor the Vice Chairman has budgetary or service managerial responsibilities, yet they are both obviously full and needed members of the JCS. This argument fundamentally confuses the management responsibilities of a Service Chief with the advisory responsibilities of a member of the JCS.

4. Adding the CNGB to the JCS will give the National Guard primacy over the Federal Reserves.

Response: Noting that one of the reserve components is disempowered and underrepresented is not a good reason to keep both of them disempowered and underrepresented. In fact, noting that the Department has disempowered and underrepresented its reserve components is a good reason to empower both of them and give them a role commensurate with their size and responsibilities.

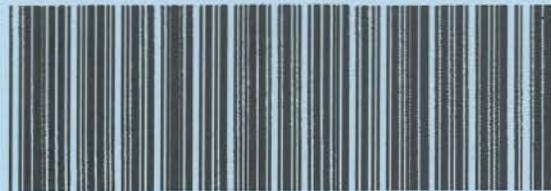
At the present time, the Federal Reserve, unlike the National Guard, does not have a joint activity that administers and represents all four service reserve components. Unlike the CNGB, there is no single joint representative that speaks for the entire Federal Reserve. Therefore, at least in the interim, the Congress has no simple solution for providing the Federal Reserve a single joint representative on the JCS. But empowering the National Guard should not wait for other needed changes, and in fact Guard empowerment can serve as an impetus for the Department to correct deficiencies it perceives in the management of the Federal Reserve.

The Federal Reserve numbers nearly 400,000 uniformed service members. If the Federal Reserve was organized differently, under a joint activity, the Chief of that joint activity should probably also be included on the JCS. And while the CNGB cannot officially represent the position of the Federal Reserve on a given question, the lifestyle of the men and women of the Guard and Federal Reserve, and the implications of a given national security decision on these two components, may be sufficiently similar so that the CNGB can provide some degree of insight into the impact of a matter on the Federal Reserve in the absence of a joint Federal Reserve counterpart.

5. Adding the CNGB to the JCS harms civilian control of the military.

Response: The CNGB, like the Chairman and Vice Chairman of the JCS, reports directly to the Secretary of Defense. While the CNGB does not report to a civilian service secretary, the same reporting relationship does not inhibit the Chairman or Vice Chairman from offering their best military advice, nor does their participation on the JCS impinge on civilian control of the military.

Moreover, as an advisory body, the JCS does not command any forces. "Civilian control of the military" typically refers to civilian restraint on military command whereby a civilian is the final and ultimate command authority, or the "Commander in Chief" of military forces. It has not been historically or doctrinally applied to advisory relationships, particularly advisory relationships where the final recipient of military advice is a civilian authority. Such is the case with the JCS, where the President and the Secretary of Defense are the civilian recipients of the advice provided by the uniformed JCS.



CMSSEPARATOR

Possible Questions for the Armed Services Hearing on Adding CNGB to the JCS

For the Chairman:

- Some have claimed that without the Chief of the National Guard Bureau reporting through a civilian service chief, adding him to the Joint Chiefs of Staff will harm civilian control of the military.
 - Do you report through a civilian service chief, or directly to the Secretary of Defense?
 - Does your direct reporting relationship to the Secretary of Defense harm civilian control of the military?
 - Are you aware of any plans, regardless of adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff, to place a civilian secretary between him and the Secretary of Defense to ensure that he is fully under civilian control?
 - Does the term “civilian control of the military” typically refer to command relationships or advisory relationships?
 - The Joint Chiefs provide advice to civilian authorities, correct? So adding someone—anyone—to the Joint Chiefs of Staff would not change the fact that civilian authorities still receive the advice and decide what to do with it, correct?
- You have stated several times both in a hearing before this committee and in written correspondence that the Chief of the National Guard Bureau does not have budgetary responsibilities.
 - Would you please interpret the section of DoD Directive 5105.77, the Charter of the National Guard Bureau, which specifies that the CNGB shall “plan, program, and administer the budgets of the Army and Air National Guard of the United States?”
 - Can you describe the CNGB’s responsibility with regard to the nearly \$25 billion appropriated in the National Guard Military Personnel, Operations & Maintenance, and Military Construction, and the National Guard and Reserve Equipment Account?
- You have stated several times that budgetary authority is necessary to serve as a member of the Joint Chiefs of Staff.
 - Would you please interpret the Title 10 language establishing the JCS which does not anywhere specify budgetary responsibilities?
 - Can you explain what service budgetary responsibilities you have as the Chairman?
- You stated in a letter that you invite the Chief of the National Guard Bureau to every meeting of the Joint Chiefs of Staff and that you plan to continue doing so.

- In light of that policy, what practical difference will the Chief's statutory inclusion have on the Joint Chiefs of Staff other than codifying in law a change you already say that you have made in practice?
- Do you believe that composition of every statutory body of the Department of Defense under the purview of the Chairman should be left to the preferences of the individual serving in that role, or do you believe the composition should be codified in law?
- How do you plan to note when the Chief of the National Guard Bureau offers a dissenting opinion from your own, or do you plan to note such dissent as you are legally required to do for other members of the Joint Chiefs?
- As many others also have, you have stated that adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff will disrupt the unity of the Army and Air Force.
 - You and General Odierno both sit on the Joint Chiefs of Staff. Do you ever presume to speak on behalf of the Army, since you are also an Army General?
 - If not, what makes you believe that General McKinley would attempt to speak for either the Army or the Air Force? I ask this question because the National Guard Bureau's charter specifically directs that with respect to his service components, the Chief of the National Guard Bureau will report through his respective services. Do you have some reason to believe General McKinley or future Chiefs will not adhere to that Charter?
- You have stated that there is no compelling need to add the Chief of the National Guard Bureau to the Joint Chiefs of Staff.
 - Can you tell me, what is the rank and position of the most senior National Guard officer who sits on the Joint Staff? How many active component officers on the Joint Staff outrank that officer?
 - Can you give me an approximate percentage of the general officers on the Joint Staff who are National Guard officers? How does that ratio compare to the percentage the Guard makes up of the Total Force?
 - Can you give me an approximate percentage of the other military personnel on the Joint Staff who are National Guard officers? How does that ratio compare to the percentage the Guard makes up of the Total Force?
 - How many of the current Combatant Commanders are National Guard officers? How many National Guard officers have ever been formally recommended for combatant command by their parent military services?

- Given the lower ranks and lower percentages of Guard representatives on the Joint Staff, what is your factual basis for claiming that you receive the Guard's best military advice as a component of any product or recommendation put forward by the Joint Staff?

For the Vice Chairman:

- You previously served as the Commander of U.S. Northern Command. In that role, you worked with National Guard general officers more than any other individual present in this hearing.
- Your former Deputy, General Grass, is a National Guard Lieutenant General. Did the Department of Defense determine on its own that the Deputy Commander of U.S. Northern Command should be a National Guard officer, or was that position reserved for the National Guard by the Congress?
- Can you describe the process that was used to select your successor at Northern Command? How many National Guard officers were recommended by the service chiefs for consideration? Was the individual ultimately selected for the position a National Guard officer? What experience did he have in his career in commanding U.S. military forces operating within the United States? What experience did he have working with the National Guard under the command and control of state governors?

For the Chief of Staff of the Army:

- In a letter with Secretary McHugh, you stated that adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff would create an imbalance among the reserve components.
- Does the Federal Reserve have a single joint activity similar to the National Guard Bureau? If they do not have such an entity, do you believe that it makes sense to organize such a joint activity to put the Federal Reserve on par with the National Guard?
- If you do not favor such a change, are you not also advocating for an imbalance within the reserve components? Why should one reserve component receive its own four star joint activity and another one should not?
- Truthfully, I do not understand the logic of your point. On the one hand, you claim that you sufficiently advocate for both the Army Guard and Army Reserve on the Joint Chiefs at the present time. Yet you also claim in your letter that if the Chief of the National Guard Bureau were added to the Joint Chiefs of Staff, this would create an imbalance among the reserve components. Are you saying you will not represent the Army Reserve as effectively as you believe the Chief will represent the National Guard if he is added to the Joint Chiefs of Staff? That is the only way his presence could create an imbalance between your reserve components. But if you are saying you would be an equally good representative of the Army Reserve as he will be of the National Guard, then no imbalance will exist. Which is it, in your opinion?

- Does this imbalance already exist since the Chief already participates in the Joint Chiefs?
- Has any Chief of Staff of the Army ever been a National Guard officer?
- Approximately what percentage of your Army staff are National Guard officers? How does that compare to the percentage the Army Guard makes up of the entire Army?

For the Chief of Staff of the Air Force:

- Part of the requirement for adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff is the recognition that his advice will be more critical than ever heading into this period of budget austerity.
 - Can you describe your plans to grow the Air National Guard in light of a Pentagon report released in April of this year by former Assistant Secretary McCarthy and retired Vice Chairman General Cartwright that demonstrates indisputably that a force mix involving a larger proportion of reserve component forces will save the Department money while preserving current force structure?
 - How do your plans address the well-known “fighter bathtub” that threatens to eviscerate the Air National Guard?
 - Why has it been so difficult, up to this point, for TAGs of the various states to gain access to your plans for their Air Guard wings that are scheduled to lose fighters?
 - Given air of secrecy, does it surprise you that TAGs want a National Guard representative on the Joint Chiefs whom they believe will make sure the Air Guard has a future mission?

For the Chief of Naval Operations:

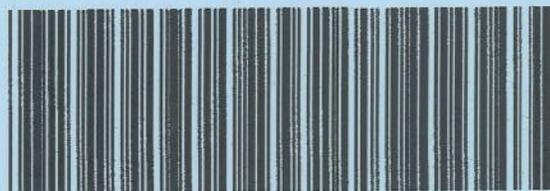
- Do you know if Admiral Holloway or Admiral Hayward—who both served as the Chief of Naval Operations in 1978—supported the proposed addition of the Commandant of the Marine Corps as a full voting member of the Joint Chiefs of Staff?
- Do you support or oppose having General Amos sit as a full voting member of the Joint Chiefs of Staff?
- Do you believe General Amos’s presence on the Joint Chiefs of Staff in any way confuses the President or the Secretary of Defense about the Department of the Navy’s view on a given question? Or is their clear recognition that you two speak for two different groups of uniformed service members?
- Do you have any reason to believe that General McKinley and his successors will not draw that distinction as clearly as you and General Amos have been able to?

For the Commandant of the Marine Corps:

- Can you describe the role of the Commandant on the Joint Chiefs of Staff after the passage of the National Security Act in 1947?
- Can you describe the legislative process by which that role was changed in 1978? Did the Department of Defense support adding the Commandant as a full voting member of the Joint Chiefs, or did the Department oppose the change?
- Why do you believe the Marine Corps pushed so strongly to be a full voting member on the Joint Staff?
- Senator Webb, the Chairman of the Personnel Subcommittee of the Armed Services Committee, wrote an article in 1972 called "Roles and Missions: Time for a Change," in which he proposed that the Commandant be added to the Joint Chiefs of Staff. It is a great and insightful article, and unfortunately it took Congress six years to follow his recommendation.
 - In that article, Senator Webb wrote, "The Commandant of the Marine Corps is still not a full member of the Joint Chiefs, sitting as a member only on matters concerning the Marine Corps. He must 'declare interest' in order to voice his opinions. Although he currently sits on a great majority of issues through this process, a proper statement of Marine Corps missions would obviously expand those matters which concern the Corps to include those which concern the defense of the United States, and hence give the Commandant a rightful full membership on the Joint Chiefs."
 - Clearly Senator Webb believed at that time that an ad hoc relationship with the Joint Chiefs meant that the Commandant had an insufficient voice. Do you agree with that assessment? How do you think that the Commandant's voice has been strengthened by full membership on the Joint Chiefs? Would you ever accept going back to the old relationship the Commandant had with the Joint Chiefs?
 - Senator Webb made another great point in his article. He wrote, "An additional point concerning our influence on the Joint Chiefs of Staff and the various unified commands is worth mentioning. A Marine general officer has never headed a 'J' staff on the Joint Chiefs. Furthermore, of the 41 flag rank officers currently serving on that Staff, only one is a Marine! The Air Force supplies 15 generals, the Army 21 and the Navy 13 admirals. This lack of representation is paralleled on all unified commands, as only three other Marine generals are serving in any capacity on all other unified commands; one on Pacific Command, one on European Command, and one on MAC-V [the command in Vietnam]. Considering the world situation today and the vital role the Corps is playing in it, this tokenism is inexcusable."
 - Given the proportion of the National Guard to the Total Force and the very limited representation it has on the Joint Staff and in the joint commands, do you not see a similarity between the tokenism the Corps faced in 1972 and what the Guard faces today?

For the Chief of the National Guard Bureau:

- In a letter dated this week, which I believe you submitted for the record, the 54 TAGs stated that "The Chief of the National Guard Bureau can no longer fully perform the duties of his office without being a member of the Joint Chiefs of Staff." Do you agree with that statement, and if so, why?
- Do you believe that your addition to the Joint Chiefs of Staff will confuse the service lines of authority? How will you and your successors keep that from happening?
- Do you believe that your role on the Joint Chiefs will in any way threaten civilian control of the military, as some have claimed, because you report directly to the Secretary of Defense and not through a Service Secretary?
- Would you please describe your budgetary responsibilities? Are budgetary responsibilities necessary for the advisory role of a Joint Chief?
- How will you behave differently if you are added to the Joint Chiefs as a matter of law and not just of policy? Will this change do anything besides institutionalize in law a present operating reality for the Joint Chiefs of Staff?
- Why do you think the National Guard is so grossly underrepresented on the Joint Staff and the Army and Air Staffs? How do you believe that underrepresentation impacts national policy, including budgetary policy pertaining to the National Guard?
- Former Assistant Secretary McCarthy and former Vice Chairman General Cartwright certainly expressed the view in their report that the National Guard and the Federal Reserve are cost-effective components compared to the active component. Do you agree? How would that fact influence your advice offered as a full member of the Joint Chiefs?
- Why, in your opinion, has no Combatant Commander or Service Chief of Staff ever been a member of the National Guard? Will your presence on the Joint Chiefs do anything to change that imbalance?
- Do you believe there are any significant risks to adding the Chief of the National Guard Bureau to the Joint Chiefs of Staff, particularly in light of the fact that you already participate in all meetings of the Joint Chiefs on an ad hoc basis as a non-voting member?
- Would you seek to use your new role in any way to gain some kind of advantage or imbalance with the Federal Reserve?
- What do you think are the similarities between your current role on the Joint Chiefs and the role of the Commandant prior to 1978?
- What do you think this change will mean to the men and women of the National Guard?



CMSSEPARATOR

112th Congress National Guard Empowerment Legislation

Section by Section

1. Makes the bill's short title, "National Guard Empowerment and State-National Defense Integration Act of 2011".
2. Reestablishes the position of the Vice Chief of the National Guard Bureau at the three star level while rescinding the two star position of Director of the Joint Staff of the National Guard Bureau.
3. Adds the Chief of the National Guard Bureau to the Joint Chiefs of Staff.
4. Directs the Administrator of FEMA to continue the Task Force for Emergency Readiness program. Further directs the Administrator of FEMA to coordinate with the Chief of the National Guard Bureau in establishing planning standards and guidelines for states. Further directs the Chief of the National Guard Bureau to coordinate with state-level planning groups, through the State Adjutant General, to assist in the development and production of state-level plans. Requires an annual report on plans produced by the program.
5. Directs the Secretary of Defense and the Secretary of Homeland Security to draft and sign a memorandum of understanding on federal-state unity of effort for military forces (Title 10, Title 32, and State Active Duty forces) jointly operating in response to domestic emergencies. Requires the Secretaries to consult with the Council of Governors on the development of the MOU. Requires a report to be submitted to Congress with the completed MOU.
6. Requires a report to be completed by the Department of Defense on the costs of National Guard and Reserve units compared to Active Component units of similar type and occupational specialty when activated and when in reserve duty. Requires the report to include an analysis of the benefits and risks of increasing the share of the Total Force comprised by Guard and Reserve force structure. Requires the GAO to produce an independent and concurrent report on the same matters.
7. Requires the Department of Defense to separately delineate equipment procurement requests for the Guard and Reserve components of the military services in the President's budget request.
8. Authorizes appropriations for the Department of Defense for National Guard continuity of operations, continuity of government, and consequence management in connection with response to terrorist and other attacks and catastrophes; emergency preparedness and response activities; and staffing of joint operations coordination centers in response to terrorist and other attacks and catastrophes.
9. States that the United States Northern Command and the United States Pacific Command shall be the combatant commands principally responsible for the military support of civil authorities in the United States. Requires the Commander of each Command and the Chief of the National Guard Bureau to enter into a memorandum of understanding setting forth the operational relationships and individual roles and responsibilities during responses to domestic emergencies among such Commands and the National Guard Bureau.

Struck
from NDAA
amendment

Struck from
NDAA amendment

10. Requires the officers serving as Commander of Army North Command and Commander of Air Force North Command to be officers in the Army National Guard and the Air National Guard, respectively. Expresses the sense of Congress that, in assigning officers to such positions, the President should afford a preference to officers who have served as a State Adjutant General.

11. Authorizes the National Guard Bureau's State Partnership Program (SPP) to conduct relevant international engagements in areas that focus on National Guard core competencies, for example disaster response and mitigation, defense support to civilian authorities, consequence management and installation protection, and chemical, biological, radiological, or nuclear event (CBRNE) response among others. Pursuant to the 2010 National Defense Authorization Act, these engagements take place only with joint approval by the concerned Chief of Mission and Geographic Combatant Commander.



CMSSEPARATOR

AMENDMENT NO. _____ Calendar No. _____

Purpose: To enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. 1253

To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LEAHY

Viz:

- 1 At the end of division A, add the following:
- 2 **TITLE XVI—NATIONAL GUARD**
- 3 **EMPOWERMENT**
- 4 **SEC. 1601. SHORT TITLE.**
- 5 This title may be cited as the “National Guard Em-
- 6 powerment and State-National Defense Integration Act of
- 7 2011”.

1 SEC. 1602. REESTABLISHMENT OF POSITION OF VICE CHIEF
2 OF THE NATIONAL GUARD BUREAU AND TER-
3 MINATION OF POSITION OF DIRECTOR OF
4 THE JOINT STAFF OF THE NATIONAL GUARD
5 BUREAU.

6 (a) REESTABLISHMENT AND TERMINATION OF POSI-
7 TIONS.—Section 10505 of title 10, United States Code,
8 is amended to read as follows:

9 “§ 10505. Vice Chief of the National Guard Bureau

10 “(a) APPOINTMENT.—(1) There is a Vice Chief of the
11 National Guard Bureau, selected by the Secretary of De-
12 fense from officers of the Army National Guard of the
13 United States or the Air National Guard of the United
14 States who—

15 “(A) are recommended for such appointment by
16 their respective Governors or, in the case of the Dis-
17 trict of Columbia, the commanding general of the
18 District of Columbia National Guard;

19 “(B) have had at least 10 years of federally rec-
20 ognized service in an active status in the National
21 Guard; and

22 “(C) are in a grade above the grade of brigadier
23 general.

24 “(2) The Chief and Vice Chief of the National Guard
25 Bureau may not both be members of the Army or of the
26 Air Force.

1 “(3)(A) Except as provided in subparagraph (B), an
2 officer appointed as Vice Chief of the National Guard Bu-
3 reau serves for a term of four years, but may be removed
4 from office at any time for cause.

5 “(B) The term of the Vice Chief of the National
6 Guard Bureau shall end within a reasonable time (as de-
7 termined by the Secretary of Defense) following the ap-
8 pointment of a Chief of the National Guard Bureau who
9 is a member of the same armed force as the Vice Chief.

10 “(b) DUTIES.—The Vice Chief of the National Guard
11 Bureau performs such duties as may be prescribed by the
12 Chief of the National Guard Bureau.

13 “(c) GRADE.—The Vice Chief of the National Guard
14 Bureau shall be appointed to serve in the grade of lieuten-
15 ant general.

16 “(d) FUNCTIONS AS ACTING CHIEF.—When there is
17 a vacancy in the office of the Chief of the National Guard
18 Bureau or in the absence or disability of the Chief, the
19 Vice Chief of the National Guard Bureau acts as Chief
20 and performs the duties of the Chief until a successor is
21 appointed or the absence of disability ceases.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Section 10502 of such title is amended by
24 striking subsection (e).

1 (2) Section 10506(a)(1) of such title is amend-
2 ed by striking "and the Director of the Joint Staff
3 of the National Guard Bureau" and inserting "and
4 the Vice Chief of the National Guard Bureau".

5 (c) CLERICAL AMENDMENTS.—

6 (1) HEADING AMENDMENT.—The heading of
7 section 10502 of such title is amended to read as
8 follows:

9 "§ 10502. Chief of the National Guard Bureau: ap-
10 pointment; advisor on National Guard
11 matters; grade".

12 (2) TABLE OF SECTIONS.—The table of sections
13 at the beginning of chapter 1011 of such title is
14 amended—

15 (A) by striking the item relating to section
16 10502 and inserting the following new item:

 "10502. Chief of the National Guard Bureau: appointment; advisor on National
 Guard matters; grade.";

17 and

18 (B) by striking the item relating to section
19 10505 and inserting the following new item:

 "10505. Vice Chief of the National Guard Bureau."

1 **SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL**
2 **GUARD BUREAU ON THE JOINT CHIEFS OF**
3 **STAFF.**

4 (a) **MEMBERSHIP ON JOINT CHIEFS OF STAFF.—**
5 Section 151(a) of title 10, United States Code, is amended
6 by adding at the end the following new paragraph:

7 “(7) The Chief of the National Guard Bu-
8 reau.”.

9 (b) **CONFORMING AMENDMENTS.—**Section 10502 of
10 such title, as amended by section 2(b)(1) of this Act, is
11 further amended—

12 (1) by redesignating subsection (d) as sub-
13 section (e); and

14 (2) by inserting after subsection (c) the fol-
15 lowing new subsection (d):

16 “(d) **MEMBER OF JOINT CHIEFS OF STAFF.—**The
17 Chief of the National Guard Bureau shall perform the du-
18 ties prescribed for him or her as a member of the Joint
19 Chiefs of Staff under section 151 of this title.”.

20 **SEC. 1604. CONTINUATION AS A PERMANENT PROGRAM**
21 **AND ENHANCEMENT OF ACTIVITIES OF TASK**
22 **FORCE FOR EMERGENCY READINESS PILOT**
23 **PROGRAM OF THE FEDERAL EMERGENCY**
24 **MANAGEMENT AGENCY.**

25 (a) **CONTINUATION.—**

1 (1) CONTINUATION AS PERMANENT PRO-
2 GRAM.—The Administrator of the Federal Emer-
3 gency Management Agency shall continue the Task
4 Force for Emergency Readiness (TFER) pilot pro-
5 gram of the Federal Emergency Management Agen-
6 cy as a permanent program of the Agency.

7 (2) LIMITATION ON TERMINATION.—The Ad-
8 ministrator may not terminate the Task Force for
9 Emergency Readiness program, as so continued,
10 until authorized or required to terminate the pro-
11 gram by law.

12 (b) EXPANSION OF PROGRAM SCOPE.—As part of the
13 continuation of the Task Force for Emergency Readiness
14 program pursuant to subsection (a), the Administrator
15 shall carry out the program in at least five States in addi-
16 tion to the five States in which the program is carried
17 out as of the date of the enactment of this Act.

18 (c) ADDITIONAL FEMA ACTIVITIES.—As part of the
19 continuation of the Task Force for Emergency Readiness
20 program pursuant to subsection (a), the Administrator
21 shall—

22 (1) establish guidelines and standards to be
23 used by the States in strengthening the planning
24 and planning capacities of the States with respect to
25 responses to catastrophic disaster emergencies; and

1 (2) develop a methodology for implementing the
2 Task Force for Emergency Readiness that includes
3 goals and standards for assessing the performance
4 of the Task Force.

5 (d) NATIONAL GUARD BUREAU ACTIVITIES.—As
6 part of the continuation of the Task Force for Emergency
7 Readiness program pursuant to subsection (a), the Chief
8 of the National Guard Bureau shall—

9 (1) assist the Administrator in the establish-
10 ment of the guidelines and standards, implementa-
11 tion methodology, and performance goals and stand-
12 ards required by subsection (c);

13 (2) in coordination with the Administrator—

14 (A) identify, using catastrophic disaster re-
15 sponse plans for each State developed under the
16 program, any gaps in State civilian and military
17 response capabilities that Federal military capa-
18 bilities are unprepared to fill; and

19 (B) notify the Secretary of Defense, the
20 Commander of the United States Northern
21 Command, and the Commander of the United
22 States Pacific Command of any gaps in capa-
23 bilities identified under subparagraph (A); and

24 (3) acting through and in coordination with the
25 Adjutants General of the States, assist the States in

1 the development of State plans on responses to cata-
2 strophic disaster emergencies.

3 (e) ANNUAL REPORTS.—The Administrator and the
4 Chief of the National Guard Bureau shall jointly submit
5 to the appropriate committees of Congress each year a re-
6 port on activities under the Task Force for Emergency
7 Readiness program during the preceding year. Each re-
8 port shall include a description of the activities under the
9 program during the preceding year and a current assess-
10 ment of the effectiveness of the program in meeting its
11 purposes.

12 (f) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committee on Armed Services and the
16 Committee on Homeland Security and Governmental
17 Affairs of the Senate; and

18 (2) the Committee on Armed Services and the
19 Committee on Homeland Security of the House of
20 Representatives.

21 **SEC. 1605. REPORT ON COMPARATIVE ANALYSIS OF COSTS**
22 **OF COMPARABLE UNITS OF THE RESERVE**
23 **COMPONENTS AND THE REGULAR COMPO-**
24 **NENTS OF THE ARMED FORCES.**

25 (a) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall submit to the congressional
4 defense committees a report setting forth a com-
5 parative analysis of the costs of units of the regular
6 components of the Armed Forces with the costs of
7 similar units of the reserve components of the
8 Armed Forces. The analysis shall include a separate
9 comparison of the costs of units in the aggregate
10 and of the costs of units solely when on active duty.

11 (2) SIMILAR UNITS.—For purposes of this sub-
12 section, units of the regular components and reserve
13 components shall be treated as similar if such units
14 have the same general structure, personnel, or func-
15 tion, or are substantially composed of personnel hav-
16 ing identical or similar military occupational special-
17 ties (MOS).

18 (b) ASSESSMENT OF INCREASED RESERVE COMPO-
19 NENT PRESENCE IN TOTAL FORCE STRUCTURE.—The
20 Secretary shall include in the report required by sub-
21 section (a) an assessment of the advisability of increasing
22 the number of units and members of the reserve compo-
23 nents of the Armed Forces within the total force structure
24 of the Armed Forces. The assessment shall take into ac-
25 count the comparative analysis conducted for purposes of

1 subsection (a) and such other matters as the Secretary
2 considers appropriate for purposes of the assessment.

3 (c) COMPTROLLER GENERAL REPORT.—Not later
4 than 180 days after the date of the submittal of the report
5 required by subsection (a), the Comptroller General of the
6 United States shall submit to the congressional defense
7 committees a report setting forth a review of such report
8 by the Comptroller General. The report of the Comptroller
9 General shall include an assessment of the comparative
10 analysis contained in the report required by subsection (a)
11 and of the assessment of the Secretary pursuant to sub-
12 section (b).

13 **SEC. 1606. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR**
14 **THE RESERVE COMPONENTS OF THE ARMED**
15 **FORCES UNDER ESTIMATED EXPENDITURES**
16 **FOR PROCUREMENT IN FUTURE-YEARS DE-**
17 **FENSE PROGRAMS.**

18 Each future-years defense program submitted to
19 Congress under section 221 of title 10, United States
20 Code, shall, in setting forth estimated expenditures and
21 item quantities for procurement for the Armed Forces for
22 the fiscal years covered by such program, display sepa-
23 rately under such estimated expenditures and item quan-
24 tities the estimated expenditures for each such fiscal year
25 for equipment for each reserve component of the Armed

1 Forces that will receive items in any fiscal year covered
2 by such program.

3 **SEC. 1607. ENHANCEMENT OF AUTHORITIES RELATING TO**
4 **THE UNITED STATES NORTHERN COMMAND**
5 **AND OTHER COMBATANT COMMANDS.**

6 (a) **COMMANDS RESPONSIBLE FOR SUPPORT TO**
7 **CIVIL AUTHORITIES IN THE UNITED STATES.**—The
8 United States Northern Command and the United States
9 Pacific Command shall be the combatant commands of the
10 Armed Forces that are principally responsible for the sup-
11 port of civil authorities in the United States by the Armed
12 Forces.

13 (b) **DISCHARGE OF RESPONSIBILITY.**—In dis-
14 charging the responsibility set forth in subsection (a), the
15 Commander of the United States Northern Command and
16 the Commander of the United States Pacific Command
17 shall each—

18 (1) in consultation with and acting through the
19 Chief of the National Guard Bureau and the Joint
20 Force Headquarters of the National Guard of the
21 State or States concerned, assist the States in the
22 employment of the National Guard under State con-
23 trol, including National Guard operations conducted
24 in State active duty or under title 32, United States
25 Code; and

1 (2) facilitate the deployment of the Armed
2 Forces on active duty under title 10, United States
3 Code, as necessary to augment and support the Na-
4 tional Guard in its support of civil authorities when
5 National Guard operations are conducted under
6 State control, whether in State active duty or under
7 title 32, United States Code.

8 (c) MEMORANDUM OF UNDERSTANDING.—

9 (1) MEMORANDUM REQUIRED.—Not later than
10 180 days after the date of the enactment of this Act,
11 the Commander of the United States Northern Com-
12 mand, the Commander of the United States Pacific
13 Command, and the Chief of the National Guard Bu-
14 reau shall, with the approval of the Secretary of De-
15 fense, jointly enter into a memorandum of under-
16 standing setting forth the operational relationships,
17 and individual roles and responsibilities, during re-
18 sponses to domestic emergencies among the United
19 States Northern Command, the United States Pa-
20 cific Command, and the National Guard Bureau.

21 (2) MODIFICATION.—The Commander of the
22 United States Northern Command, the Commander
23 of the United States Pacific Command, and the
24 Chief of the National Guard Bureau may from time
25 to time modify the memorandum of understanding

1 under this subsection to address changes in cir-
2 cumstances and for such other purposes as the Com-
3 mander of the United States Northern Command,
4 the Commander of the United States Pacific Com-
5 mand, and the Chief of the National Guard Bureau
6 jointly consider appropriate. Each such modification
7 shall be subject to the approval of the Secretary of
8 Defense.

9 (d) **AUTHORITY TO MODIFY ASSIGNMENT OF COM-**
10 **MAND RESPONSIBILITY.**—Nothing in this section shall be
11 construed as altering or limiting the power of the Presi-
12 dent or the Secretary of Defense to modify the Unified
13 Command Plan in order to assign all or part of the respon-
14 sibility described in subsection (a) to a combatant com-
15 mand other than the United States Northern Command
16 or the United States Pacific Command.

17 (e) **REGULATIONS.**—The Secretary of Defense shall
18 prescribe regulations for purposes of aiding the expedi-
19 tious implementation of the authorities and responsibilities
20 in this section.

21 **SEC. 1608. REQUIREMENTS RELATING TO NATIONAL**
22 **GUARD OFFICERS IN CERTAIN COMMAND PO-**
23 **SITIONS.**

24 (a) **COMMANDER OF ARMY NORTH COMMAND.**—The
25 officer serving in the position of Commander, Army North

1 Command, shall be an officer in the Army National Guard
2 of the United States.

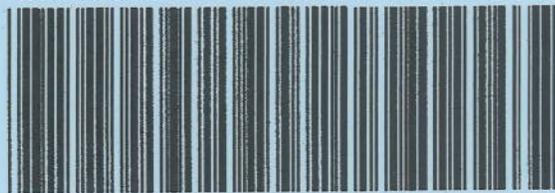
3 (b) COMMANDER OF AIR FORCE NORTH COM-
4 MAND.—The officer serving in the position of Commander,
5 Air Force North Command, shall be an officer in the Air
6 National Guard of the United States.

7 (c) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that, in assigning officers to the command positions
9 specified in subsections (a) and (b), the President should
10 afford a preference in assigning officers in the Army Na-
11 tional Guard of the United States or Air National Guard
12 of the United States, as applicable, who have served as
13 the adjutant general of a State.

14 **SEC. 1609. AVAILABILITY OF FUNDS UNDER STATE PART-**
15 **NEERSHIP PROGRAM FOR ADDITIONAL NA-**
16 **TIONAL GUARD CONTACTS ON MATTERS**
17 **WITHIN THE CORE COMPETENCIES OF THE**
18 **NATIONAL GUARD.**

19 The Secretary of Defense shall, in consultation with
20 the Secretary of State, modify the regulations prescribed
21 pursuant to section 1210 of the National Defense Author-
22 ization Act for Fiscal Year 2010 (Public Law 111-84; 123
23 Stat. 2517; 32 U.S.C. 107 note) to provide for the use
24 of funds available pursuant to such regulations for con-
25 tacts between members of the National Guard and civilian

- 1 personnel of foreign governments outside the ministry of
2 defense on matters within the core competencies of the
3 National Guard such as the following:
- 4 (1) Disaster response and mitigation.
 - 5 (2) Defense support to civilian authorities.
 - 6 (3) Consequence management and installation
7 protection.
 - 8 (4) Chemical, biological, radiological, or nuclear
9 event (CBRNE) response.
 - 10 (5) Border and port security and cooperation
11 with civilian law enforcement.
 - 12 (6) Search and rescue.
 - 13 (7) Medical matters.
 - 14 (8) Counterdrug and counternarcotics activities.
 - 15 (9) Public affairs.
 - 16 (10) Employer and family support of reserve
17 forces.
 - 18 (11) Such other matters within the core com-
19 petencies of the National Guard and suitable for
20 contacts under the State Partnership Program as
21 the Secretary of Defense shall specify.



CMSSEPARATOR



LEGISLATIVE
AFFAIRS

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

RECEIVED
SENATE ARMED SERVICES
OFFICE

11 MAY 10 PM 2:37

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

MAY 9 2011

Dear Mr. Chairman:

The Department supports section 2(a) of S. 242, "Guardians of Freedom Act of 2011", directing the Chief, National Guard Bureau (CNGB) to serve as an advocate and liaison for the National Guard of each state, the Commonwealth of Puerto Rico, the District of Columbia, and the territories of Guam and the U.S. Virgin Islands. This would reinforce his time-honored role as the channel of communications between the state National Guards and the Department.

The Department of Defense opposes section 2(b) which proposes including the CNGB as a member of the Joint Chiefs of Staff (JCS). Since the position was elevated to a four-star rank in 2009, the CNGB has attended JCS meetings and contributed valuable perspectives regarding the National Guard, particularly its critical, non-federalized homeland defense mission and forces. This is congruent with the 2008 National Defense Authorization Act, whereby the CNGB can fulfill a statutory role and responsibilities as the principal advisor to the Secretary of Defense through the Chairman on these unique matters.

However, the JCS, comprised of the Service Chiefs, organize, train, and equip forces, including their Reserve Components, to present an integrated Joint Force to the Combatant Commanders. While the National Guard provides crucial elements of that Joint Force and executes Army and Air Force roles and missions, the CNGB's responsibilities are administrative in nature. As such, adding the CNGB to the JCS would introduce inconsistencies among its members and create the unhelpful impression that the National Guard is a separate Military Service.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this letter for the consideration of the committee.

Sincerely,


Elizabeth King

cc:
The Honorable John McCain
Ranking Member

**NOMINATION OF GEN MARTIN E. DEMPSEY,
USA, FOR REAPPOINTMENT TO THE GRADE
OF GENERAL AND TO BE CHAIRMAN OF
THE JOINT CHIEFS OF STAFF**

TUESDAY, JULY 26, 2011

**U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.**

The committee met, pursuant to notice, at 9:34 a.m. in room SD-106, Dirksen Senate Office Building, Senator Carl Levin (chairman), presiding.

Committee members present: Senators Levin, Lieberman, Reed, Akaka, Webb, Udall, Hagan, Begich, Manchin, Shaheen, Gillibrand, Blumenthal, McCain, Sessions, Chambliss, Wicker, Brown, Portman, Ayotte, Collins, and Graham.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; Russell L. Shaffer, counsel; William K. Sutey, professional staff member.

Minority staff members present: David M. Morriss, minority staff director; Adam J. Barker, professional staff member; Paul C. Hutton IV, professional staff member; Daniel A. Lerner, professional staff member; Lucian Niemeyer, professional staff member; Michael J. Sistik, research assistant; Diana G. Tabler, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles and Christine G. Lang.

Committee members' assistants present: Christopher Griffin, assistant to Senator Lieberman; Carolyn Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Ann Premer, assistant to Senator Nelson; Gordon I. Peterson, assistant to Senator Webb; Casey Howard, assistant to Senator Udall; Lindsay Kavanaugh, assistant to Senator Begich; Joanne McLaughlin, assistant to Senator Manchin; Chad Kreikemeier, assistant to Senator Shaheen; Elena Broitman, assistant to Senator Gillibrand; and Ethan Saxon, assistant to Senator Blumenthal; Anthony J. Lazarski, assistant to Senator Inhofe; Lenwood Landrum, assistant to Senator Sessions; Clyde Taylor IV, assistant to Senator Chambliss; Joseph Lai, assistant to Senator Wicker; Charles Prosch, assistant to Senator Brown; Brent Bombach, assistant to

I think we have to understand how agile we need to be and whether our current policies and locations allow us to do it.

The other issue that plays as well is recidivism. That is to say, when we have these individuals in custody, return them to their nations, do they just simply return back to the fight?

So this is another one of those issues where I, because I haven't been involved with it, I haven't studied it to the extent I need to to engage you as articulately as I should, but I will.

Senator AYOTTE. Well, I appreciate it. I just want to highlight I think a couple of examples where we're—the case of Warsame, who is a member of Al-Qaeda in the Arabian Peninsula and Al-Shabab, who was kept on a ship for 2 months for interrogation and then brought to the United States. I think we basically, as Admiral Winnefeld said, for now we're making do, and I don't think that making do is good enough, particularly since we're not going to be able to keep every single individual on a ship. That is a short-term type of fix.

So I would hope that you would look at this as a very important security issue. As you mentioned, the recidivism rate, 25 percent of those that have been released from Guantanamo have gotten back in the fight against us.

In that vein, I wanted to ask you—my time is almost up, but just about a particular case, to ask you to look into. That is Ali Dakduk, who is someone that myself and 18 other Senators, many of whom serve on this committee, he is an individual that was being held in Iraq and is also accused of collaborating with Iranian agents and Shiite militias to kill American troops. He was going to—we received a report that he was going to be released back to the Iraqis. People are very concerned. The 19 Senators that signed that letter, we're concerned that releasing it back to the Iraqis is like releasing him back into the theater.

So this is again another case I would ask you to look carefully at, because it is one that demonstrates again why we need a detention facility that ensures the security of these individuals so that they don't just go back to other countries that will just release them and then we'll be fighting them again.

General DEMPSEY. Thank you, Senator.

Senator AYOTTE. Thank you, General.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Thank you, General and Dini, very much for your kind hospitality. We appreciated it very much the other day, stopping by unannounced, and you're very kind.

Sir, with that, I would concur with Senator Lieberman that you're a sound person and I think things will be very well. I'd like to ask a few questions.

One is following up on Senator Ayotte. She asked about the Guard. I know there's been discussions and concerns about would the Guard ever have a post on the Joint Chiefs of Staff or be of equal footing on that. I know you've been a little bit receptive in thinking about that, and I didn't know what you thought impediments might prevent that from happening or if there's a possibility.

General DEMPSEY. I would describe my current position as being open-minded, Senator, but concerned. I'll express concern on two fronts. One is, of course, I just finished, rather inelegantly perhaps, describing how close we are, speaking again for the Army, but the need for the Guard. I just don't know what that would do to the relationship if we had now two four-stars overseeing the same force, because we aspire to be one force.

The other one is more pragmatic, and that is what gives me my authority as the Chief is the budget. If it weren't for the budget, no one would even pay attention to me. But they pay attention to me because I have to deliver something for the Nation using the resources I'm given. So I'm held accountable for delivering it.

I don't know what that would mean to a—and all the service chiefs, by the way, are in that same situation. They derive their authority both from the title, but also from the fact that they manage their Service's budget. If we have a National Guard four-star on the Joint Chiefs, he's not accountable because he doesn't have anything with which to deliver capability, and so I'd have to understand how that would be sorted out.

Senator MANCHIN. The other is concerning financial responsibility, but also the situation that we have, and I think that Senator Brown touched on, the \$10 million a day that was reported leaving Kabul in suitcases and never got to where it was—which is about \$3.6 billion a year, and not able to have a handle on that.

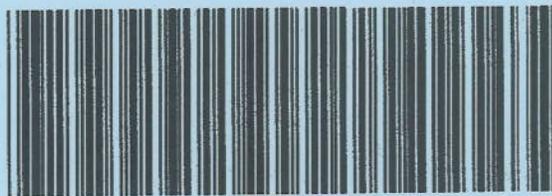
I think you've seen or you've been hearing about our debt discussions that we've had. Both Democrats and Republicans have anticipated a trillion dollars or more in savings if the war—if it's not spent on the war, another \$400 billion in savings on interest that you would be spending on the trillion. That doesn't make a lot of sense to me because we were never anticipated to be there that long. So someone anticipated that we were going to spend that much and now they're taking it as a savings.

Can you give me your thoughts on that? Does it make sense to you at all that we would be saving something we shouldn't have been spending and now they're all counting it and booking it?

General DEMPSEY. Senator, if you would allow me, I would take personal pleasure in telling you I'm not in an economist nor a lawyer, and so I can't go anywhere near that question. But I will say that we have done a great deal of work to try to figure out how to get on top of this issue of spending in Iraq and Afghanistan, and I'd be happy at some point to come and chat with you about that.

Senator MANCHIN. Do you have an idea basically of how you can secure the corruption that's going on. As we know, Afghanistan—and I think you know my personal feeling is that we should get out as quickly as we possibly can. It's not going to get any better, and they'll steal as much as they can get their hands on, and they've proven it every chance they've had. But how we can stop this type, this blatant type of thievery.

General DEMPSEY. Yes, sir. We do have some programs. I sent probably our best brigadier general over about a year ago, Brigadier General H.R. McMaster, to stand up an anti-corruption task force and campaign. It's made some progress. In fact, I ought to have him come back and chat with you about what he's accomplished.



CMSSEPARATOR

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.

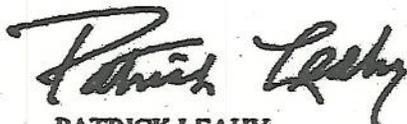
Despite the mostly positive reactions we have heard to our bill, we have noted with disappointment some of the official responses of the Department of Defense to one particular provision of the bill which would make the Chief of the National Guard Bureau a statutory member of the Joint Chiefs of Staff. 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



CMSSEPARATOR



November 7, 2011

General Craig R. McKinley
Chief
National Guard Bureau
111 S. George Mason Dr.
Arlington, VA 22204

Dear General McKinley,

I am writing on behalf of the Adjutants General of the states, territories and the District of Columbia (hereafter, "the states") to urge you to inform the President, the Secretary of Defense and all other federal officials of the states' support for 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.

The National Guard is uniquely authorized by the U.S. Constitution to carry out the laws of the states, to executive missions under state control "in the service of" the federal government and to serve as a reserve component "of" the United States Army and Air Force. No other American military component has such unique constitutional responsibilities or adaptive capabilities. Article 1, Section 8 of the U.S. Constitution grants Congress the "Power...to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of Officers, and the Authority of training the Militia according to the discipline prescribed by Congress." Article 1 also authorizes Congress "To raise and support Armies" and "to provide and maintain a Navy". All powers not expressly granted to the federal government by the U.S. Constitution nor prohibited by it, are expressly reserved to the States.

Consistent with these provisions, Congress has long designated the Chief of the National Guard Bureau as the statutory "channel of communications" between the

states and the federal government on all non-federalized National Guard matters. The scope and necessity of state-federal "communications" have grown exponentially in the decades since the CNGB's designation. The American homeland has become part of a global battle space. Since the terrorist attacks of September 2001, Adjutants General and state military departments have assumed substantial homeland security as well as homeland defense responsibilities. Since 2006, military advice to the National Security Council has also been added to the Joint Chiefs of Staff statutory responsibilities.

Just as the advice of Adjutants General has become essential to the states' national security activities, CNGB advice to principal federal officials is uniquely required by DoD policy to "facilitate and deconflict the use of the National Guard forces among the States to ensure that adequate and balanced forces are available and responsive for domestic and foreign military operations." The shared national security responsibilities of the states and federal government can only be effectively synchronized by having the Chief of the National Guard Bureau on the JCS to assure federal officials receive fully informed advice about Guard matters and that the National Guard forces of the 54 states and territories are able to perform their warfighting missions and their unique domestic security missions.

Guard Soldiers and Airmen are as proud of their membership in the Army and Air Force as Marines are of their membership in the Department of the Navy. Assertions that CNGB membership on the JCS would detract from intra-service unity are dispelled by the Marine Corps' long and distinguished record of service on the JCS and as a component of the U.S. Navy. National authorities have long required specialized Marine Corps advice. 21st Century national security requirements demand the unique advice and counsel of the Chief of the National Guard Bureau.

The Chief of the National Guard Bureau can no longer fully perform the duties of his office without being a member of the Joint Chiefs of Staff. We respectfully ask you to convey the states' strong and unqualified support for S.1025 to federal authorities.

Sincerely,



Michael D. Dubie
Major General
President



STATE OF MICHIGAN
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

MG GREGORY J. VADNAIS
THE ADJUTANT GENERAL AND DIRECTOR

22 July 2011

The Honorable Carl Levin
United States Senator

Dear Senator Levin:

I am writing to request your support for Senate Bill 242, the "Guardians of Freedom Act of 2011." Specifically, the changing role of the National Guard within the National Security structure compels full membership for the Chief, National Guard Bureau, on the Joint Chiefs of Staff. The National Guard is now relied upon as an operational force -- a fully engaged partner in our Nation's national and homeland security missions. Our nation's senior leadership needs to hear the voice of the Nation's second largest military force. The CNGB should be an integral part of the national security decision-making structure.

Together, the Army National Guard and the Air National Guard components comprise over 464,000 uniformed service members. The National Guard, when taken as a whole, is larger than the Air Force, Navy, or the Marine Corps. Only the active component Army is larger than the National Guard. Yet, the National Guard remains unrepresented at the Tank, and thus is not participating in the national security decision-making process in the Department of Defense.

Opponents have suggested that the National Guard is but a component of the Army and Air Force and thus, to preserve unity of service, the CNGB should not have separate representation on the JCS. I would observe in response that the US Marine Corps is a component of the US Navy, was considered and rejected for inclusion in the JCS in the debate on the National Security Act of 1947, and that after 30 years, the necessity of their inclusion in the national security and resourcing decisions of the nation were finally recognized in 1978. The role of the NG requires that they also be so included.

The Guard is the component of the U.S. military that connects all of America with multiple locations in every state and territory. Since the advent of the all volunteer force, military members in the active component have been increasingly separated culturally and geographically from civilian society. Many live in military enclaves for the majority of their careers and the requirement to rotate from base to base keep them from putting down roots in a community.

It is imperative that the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff receive advice from a commanding general representing the second largest uniformed military service.

I greatly respect your leadership and your support for our Nation and the National Guard. I respectfully request that you support us on Senate Bill 242.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Vadnais', with a long horizontal line extending to the right.

GREGORY J. VADNAIS
Major General, MI ARNG
The Adjutant General



STATE OF MICHIGAN
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

MS GREGORY J. VAONAE
THE ADJUTANT GENERAL AND DIRECTOR

July 29, 2011

The Honorable Carl Levin
United States Senator

Dear Senator Levin:

Thank you for the opportunity to meet with you this past Tuesday afternoon, 26 July 2011, and candidly discuss the needs of the Michigan National Guard as well as the future of the National Guard as an operational force.

Your staff forwarded a partial transcript of the confirmation hearing of General Dempsey where his views were sought on the CNOB becoming a member of the JCS. I thank you for the opportunity to respond to the positions stated by General Dempsey. Any quotations below are directly from the transcript provided by your staff.

General Dempsey suggested that there would be difficulty with "two, four-stars overseeing the same force... [b]ecause we aspire to be one force."

Dual oversight is certainly not the intent nor would it be the practical outcome of S. 1025. Such a relationship would be impossible, because unlike the Chief of Staff of the Army or Air Force, the CNOB is a joint, not a service-specific, position. The intent of S. 1025 is not to offer either the Army or the Air Force a second voice on the JCS. When the Service Chiefs of Staff come to the Tank, they do so in with the concerns of their branch of service (Army, Navy, Air Force, and USMC) foremost in their minds. The CNOB would come with the concerns of the unique, non-Federalized mission of the National Guard foremost in mind. These concerns differ substantially from those of the Service Chiefs.

For example, the CNOB is much more involved in readiness for disaster relief and state-level missions than the Service Chiefs. This was a prominent concern for the Governors and the Congress in 2005 during the darkest hours of the Iraq War. It would have been helpful then (and will be helpful in the future) for the CNOB to offer the President and the Secretary some insight into how overseas operations are affecting National Guard's readiness for its critical homeland missions. The CNOB will promote consideration of how deployments, operations, and funding decisions will affect National Guard personnel living in towns and cities across America, working civilian jobs, many of whom live far from the bases where they perform their reserve duties. For these reasons, the CNOB will represent the capabilities of the Army and Air National Guard more accurately than the active component Chiefs of Staff.

In addition, it is wise to remember that the lack of CNOB having a seat at the table is what led to the National Guard's equipment being significantly depleted in 2003 when the United States was fighting a war on two different fronts. The equipment depletion led to a complete rebuild.

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www.michigan.gov/dmva (517) 481-8083

General Dempsey also remarked that having a "National Guard four-star on the Joint Chiefs" would not do anything to assist in the delivery of capability.

Again, an important distinction needs to be made here. General Dempsey is describing the management role of a Service Chief, not the advisory role of a member of the Joint Chiefs of Staff (which can be easily confused since obviously the two coincide at the present time). But, neither the Chairman nor the Vice Chairman have service-specific budget authority—that is not their role. Yet they clearly have a role on the JCS. That role is advisory to the President and the Secretary of Defense—where should the money be spent, what capabilities are most important, should we undertake a certain operation and what are its ramifications to U.S. national security. That is the same role that the CNGB needs to fulfill as the stakeholder for the unique non-Federalized mission of the National Guard.

The CNGB has a "man, train, and equip" responsibility in this arena. As a member of the JCS he can, and will, offer valuable and unique advice to the President and the Secretary when requested. Accordingly, the CNGB does bring something to the table at the JCS in regards to capability. No one is better able to address the capacities of the Army and Air National Guard than the CNGB. The existing relationship the Chief of the National Guard Bureau has is analogous to "auditing" the class. You can sit in the classroom, but cannot ask questions or take the test.

The Chief of the National Guard Bureau would offer an important and unique take on right-sizing the National Guard and Reserve components as the Department of Defense looks to maintain capability in the face of increasing manpower costs and declining budgets. Historically, such periods have led to a hollowed-out force that seems capable on paper but proves to be far less useful in action. The Chief of the National Guard Bureau would provide a unique set of National Guard and Reserve component options to the Chairman, Secretary of Defense, and the President as they look for ways to retain today's unparalleled military might while spending less on the Department of Defense.

The missions for the National Guard today are complex and demanding. We strive to balance our missions as an operational force in the warfight with our traditional missions of homeland defense and support to civil authorities. We do so in a time of increasing operational demands and of increasing budgetary constraints. The ability to discuss these issues candidly with our elected representatives strengthens our nation as well as our partnership. Please continue to give strong consideration to S. 1025 which would provide the CNGB an equal voice in our Nation's military decision-making.

Thank you.

Sincerely,



GREGORY J. VADNAIS
Major General, MI ARNG
The Adjutant General



STATE OF MICHIGAN
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

MG GREGORY J. VADWAIS
THE ADJUTANT GENERAL AND DIRECTOR

July 29, 2011

Dear Fellow Adjutants General:

Thank you for your efforts thus far in seeking support from your U.S. Senate delegation for S. 1025, the National Guard Empowerment and State-National Defense Act of 2011. We here in Michigan are your partners in this effort and have been working with our Michigan Senators to obtain their support of the bill which, among other provisions, would add the Chief of the National Guard Bureau (CNGB) to the Joint Chiefs of Staff (JCS).

In discussing the bill with our U.S. Senate delegation this week, we heard some concerns related to recent testimony offered by General Martin Dempsey before the Senate Armed Services Committee I wanted to share with you. His testimony, offered during his hearing to be confirmed as the new Chairman of the JCS, seemed to call into question the value of adding the CNGB to the JCS. He made two specific arguments: first, that adding the CNGB to the JCS would be tantamount to having two four-star generals represent and "oversee" the same service on the JCS (that is, the Army and the Air Force), and second, that the CNGB is not responsible for a service budget and therefore would have authority without accountability should he be added to the JCS.

These arguments are incomplete and potentially confusing. As it may help you educate your own U.S. Senate delegation, I have summarized our responses to General Dempsey's testimony below, which we have provided to Senator Levin's office at his request. Feel free to reiterate or amplify these arguments if your Senators or their military advisors raise General Dempsey's arguments to oppose the passage of S. 1025, and in particular to adding the CNGB to the JCS.

With regard to General Dempsey's first argument, namely that the CNGB would represent or oversee the same forces as the Chiefs of Staff of the Army and Air Force as a sitting member of the JCS, this argument reflects a misunderstanding of the CNGB's role. No one is suggesting that the CNGB "oversee" any part of either the Army or the Air Force. Unlike the Chief of Staff of the Army or Air Force, the CNGB is a joint, not a service-specific, position. When the Service Chiefs of Staff offer their advice in the Tank, they do so with the concerns of their branch of service foremost in their minds. The CNGB would come with the concerns of the joint National Guard foremost in mind. These concerns differ substantially from those of the Service Chiefs.

As an example, the CNGB is much more involved in readiness for disaster relief and state-level missions than any of the Service Chiefs—this was a prominent concern for Governors and for the Congress in 2005 during the height of the Iraq War. It would have been helpful then, and it will be helpful in the future, for the CNGB to offer the President and the Secretary of Defense

some insight into how overseas operations are affecting DoD readiness for homeland missions. The CNOB must also take into consideration how deployments, operations, and funding decisions will affect National Guard personnel living in towns and cities across America, working civilian jobs, many of whom live far from the bases where they perform their reserve duties. These are different concerns than those of the active components, and the Chiefs of Staff of the Army and the Air Force cannot represent them as well to the President and the Secretary of Defense as can the CNGB. Given that the National Guard is such a substantial portion of the overall uniformed military services, (the second largest in number) it's a viewpoint that must be heard at the highest levels.

General Dempsey's second argument, that the CNGB does not have responsibility for a budget, is simply incorrect. Based on 10 U.S. Code § 10503 and DoD Directive 5105.77, both of which define and clarify the functions and responsibilities of the NGB, the CNGB is the appropriations sponsor for eight accounts: military personnel, operations and maintenance, and military construction for the Army and Air National Guards, as well as the Army and Air National Guard portions of the National Guard and Reserve Equipment Account. He prepares a portion of the President's Budget submission to Congress for the first six accounts. He also performs several responsibilities for the Army and Air National Guard which are substantively similar to those responsibilities of the Service Chiefs, such as supervising the acquisition, supply, and accountability of U.S. Federal property, serving as the principal advisor to the Secretary of Defense, through the Chairman of the JCS, on matters related to non-federalized National Guard forces, and allocating unit structure, strength authorizations, and other resources to the Army and Air National Guards.

The importance of these functional responsibilities has been magnified with the expansion of operational missions coupled with the increasing (and increasingly likely further) budgetary constraints. Only by having an equal voice in the Tank can the NG, as a joint force be missioned, equipped and trained for both the "home and away games", be assured of fulfilling its missions in the years to come.

But an equal concern with General Dempsey's second argument is that its substance is unrelated to the advisory role of the JCS. What General Dempsey is describing is the management role of a Service Chief, which could be confused with the role of the JCS since the two coincide at the present time. Neither the Chairman nor the Vice Chairman, however, has service-specific budget authorities, yet they clearly have a crucial role in providing their advice on the JCS. That role is advisory to the President and the Secretary of Defense—where the money should be spent, what capabilities are most important, should we undertake a certain operation and, if so, its ramifications to U.S. national security. Even if the CNGB did not have a "man, train, and equip" mission, he would still—and should still—offer valuable and unique advice to the President and the Secretary when asked. To emphasize, General Dempsey himself will still sit on the JCS—as Chairman—without service-specific budget authority. We do not believe he is arguing to invalidate or marginalize himself in his new role as Chairman, and neither should his argument be allowed to prevent the CNGB from offering his much needed advice to the President and the Secretary of Defense.

Finally, I want to remind you of a few other key provisions in S.1025 that I find exciting. Please consider advising your Senators of those provisions that would authorize the State Partnership Program, continue and expand the Task Force on Emergency Response, assure a closer relationship with NORTHCOM and reestablish the position of Vice Chief of NGB. Section 2 would disestablish the Director of the Joint Staff of the National Guard Bureau in favor of reestablishing the Vice Chief of the National Guard Bureau. Section 4 would continue the Task Force on Emergency Response and be of immense value as it would authorize the Adjutants General to assist in the development of state and local emergency planning efforts. Similarly, Section 11 would authorize the State Partnership Program and would call upon the National Guard to use its emergency planning expertise to assist in training our international partners in disaster relief and other military support to civil authorities missions. Sections 5, 9 and 10 together would create a closer working relationship between the NG, NNC and DHS by requiring, respectively, unity of effort between DoD and DHS, giving NNC (and PACOM) primacy of responsibility for DOMS amongst the COCOMs, and requiring a NG officer for commander of ARNORTH and AFNORTH.

I hope you may find these responses to General Dempsey's comments before the Senate Armed Services Committee and other thoughts helpful. S. 1025 is critically important to the National Guard. I would strongly encourage that you contact your Senators and recommend their support for S. 1025.

Sincerely,



GREGORY J. VADNAIS
Major General, MI ARNG
The Adjutant General



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

October 24, 2011

Honorable Carl Levin
269 Russell Building
Washington, D.C. 20510

Dear Senator Levin:

Thank you for your response to my previous letter requesting your support for S. 1025. As you are no doubt aware, last Monday, 3 October 2011, Senators Leahy and Graham, the co-sponsors of S. 1025, announced that they had 61 co-sponsors for this bill. As of the writing of this letter, I am informed that the number has now risen to 65 co-sponsors.

We write this letter to urge your reconsideration of your previous letter in light of the overwhelming support for this important bill. Certainly, concerns have been raised by the active branches of the military to this bill, but they have been soundly answered. For example, the issue raised that the Chief of the National Guard Bureau (CNGB) would disrupt the budgetary authority of the Chiefs of Staff misidentifies the role of the Joint Chiefs of Staff; they are the ultimate military advisors, but the Service Secretaries have the budgetary authority. Further, the proposition that S. 1025 would split unity of command is simply untrue; the CNGB will speak only for the 450,000 uniformed members of the Army and Air National Guard and only on issues important to the National Guard.

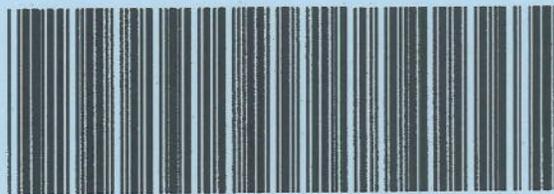
Of greater importance, however, is the tremendous positive impact of this bill on Michigan and on the men and women of the Michigan National Guard. The provisions of S. 1025 focus on utilizing the National Guard's core missions and expertise in support of our nation's defense. In particular, Section 4, would continue the Task Force on Emergency Readiness. It also will be of great value to our state and local emergency managers as it authorizes the states' Adjutants General to assist them with their emergency planning efforts, thereby assuring unity of response efforts within the state. Similarly, Section 11 authorizes the State Partnership Program and would call upon the National Guard to use its emergency planning expertise to assist in training our international partners in disaster relief and other missions providing support to civil authorities.

Thank you for giving further consideration to this bill that is so vital to Michigan's preparedness and response efforts.

Sincerely,

Rick Snyder
Governor

Gregory J. Vadnais
Major General, MIARNG
The Adjutant General



CMSSEPARATOR



NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, INC.

ONE MASSACHUSETTS AVENUE, NW, WASHINGTON, D.C. 20001 (202) 789-0031

July 1, 2011

The Honorable Barack Obama
President of the United States
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Joe Biden
Vice President of the United States
1600 Pennsylvania Avenue NW
Washington, D.C. 20501

Dear President Obama and Vice President Biden:

On behalf of the nearly 470,000 members of the National Guard, let me first say that it continues to be a distinct honor and privilege for the National Guard to serve you; our states, territories and the District of Columbia; and our great nation.

However, as you are aware, the National Guard remains hindered fiscally and operationally by a lack of representation in final decision making at the Pentagon. Thanks to legislation you both co-sponsored while in the Senate, the chief of National Guard Bureau today wears four stars. He is now in the room with the Joint Chiefs of Staff for some discussions, but he does not have a vote, which means he is not truly at the table.

You had the foresight to recognize that the Guard Empowerment advances of 2008 did not go far enough to serve the type of Guard the nation needs in the 21st century. That is why you included making the NGB chief a member of the Joint Chiefs in "The Blueprint For Change: Barack Obama's Plan for America." It is also why then-Sen. Joe Biden committed your Administration to providing the Guard with a seat at the table when he spoke to us at the 130th NGAUS General Conference in Baltimore in September 2008.

We know change often takes time, and we have waited patiently for Congress to develop and to send you the legislation required to make into reality our shared objective for the Guard. The National Guard Empowerment and State-National Defense Integration Act of 2011, introduced May 17 by Sen. Patrick Leahy and Sen. Lindsey Graham, includes a provision that would make the NGB chief a full member of the Joints Chiefs of Staff. Unfortunately, press accounts of the Senate hearing last month to consider Leon E. Panetta to be secretary of defense indicates he does not favor giving the Guard a seat at the table.

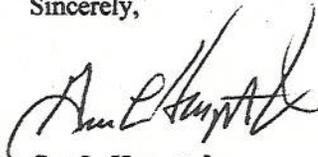
Secretary Panetta's position, as communicated in the press, leaves us extremely concerned. At a minimum, it could derail a legislative initiative that has already won approval in the House and has been gaining significant momentum in the Senate. It also has us wondering if there has been some evolution in your Administration's thinking and position on this matter.

I can assure you that from our perspective, nothing has altered the need for the NGB chief to be a full participant at the table. The Guard may not be a separate service, but it is the only component of the U.S. military with a state/territory mission as well as a federal mission. Under the current paradigm, the needs of the Guard are represented by the chiefs of staff of the Army and Air Force, two force-providing generals who can make the case for the Guard's federal combat mission, but who have little background in the critical and ever-increasing homeland security missions Guard men and women undertake each day across this nation.

There should be no confusion, without the NGB chief on the Joint Chiefs, not only is the Guard not at the table, homeland security and the nation's governors are not at the table.

The members of the National Guard, in general, and our Association, in particular, would greatly appreciate a clarification of your 2008 commitment to making the NGB chief a permanent voting member of the Joint Chiefs of Staff.

Sincerely,



Gus L. Hargett Jr.
Major General (Ret.), AUS
President

cc:

The Honorable Patrick Leahy
The Honorable Lindsey Graham
The Honorable Leon E. Panetta, Secretary of Defense
The Honorable Elizabeth L. King, Assistant Secretary of Defense for Legislative Affairs
Mr. David L. McGinnis, Principal Deputy Assistant Secretary of Defense for Reserve Affairs



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

12 September 2011

Major General Gus L. Hargett, Jr., AUS (Ret)
President, National Guard Association
of the United States
One Massachusetts Avenue, NW
Washington, D.C. 20001

Dear General Hargett,

The President has asked me to respond to your letter, which explains the merits of expanding the Joint Chiefs of Staff (JCS) to include membership of the Chief, National Guard Bureau (CNGB).

The National Guard unquestionably provides vital elements of the Joint Force and executes its Army, Air Force, and domestic missions superbly. The CNGB advises the Army and the Air Force Secretaries on the National Guard's federal roles, and the Secretary of Defense through me in its unique, domestic role. These advisory functions are sufficiently fulfilled without the CNGB having JCS membership.

Since being elevated to four-star rank in 2008, the CNGB has routinely been included in JCS meetings and contributes valuable perspectives on the National Guard, particularly its critical homeland defense mission and forces. In that regard, I have not seen the National Guard disadvantaged either fiscally or operationally. Quite the contrary, the CNGB has been an active voice at the table.

Adding the CNGB as a JCS member would disrupt the lines of authority of the Army and Air Force Chiefs of Staff and introduce redundancies in Service representation. Such a move would also result in inequity in overall Reserve Component representation, with National Guard issues seen as being prioritized over those of the federal Reserves. The CNGB should not be put in a position that creates real or perceived independence from the leaders of the National Guard's parent Services.

I believe the work of the Council of Governors addresses in part your concern over proper representation of National Guard and state interests. The White House and the Departments of Defense and Homeland Security have gained valuable insights into very significant domestic security issues through their growing relationship with the Council. Based on my personal

observations and participation, I find our dialog and efforts make this relationship mutually beneficial. The Council has the added benefit of being able to consider issues from perspectives external to the Joint Chiefs of Staff, and promises to continue as an effective forum for resolution of issues crucial to the states and their National Guard.

I appreciate your commitment concerning the CNGB's role. It is with deep respect that I extend the President's gratitude for your loyal service to the Nation and to the State of Tennessee, and to the Citizen-Soldiers and Airmen of the National Guard.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Mullen", followed by a horizontal line extending to the right.

M. G. MULLEN
Admiral, U.S. Navy



CMSSEPARATOR

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JOHN CORNYN, TEXAS
DAVID WITTER, LOUISIANA

United States Senate
COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

October 6, 2011

RICHARD D. DEBOES, STAFF DIRECTOR
DAVID M. MORRIS, MINORITY STAFF DIRECTOR

General Martin E. Dempsey
Chairman
Joint Chiefs of Staff
1000 Defense Pentagon
Washington, DC 20301

Dear General Dempsey:

On May 19, 2011, legislation entitled "The National Guard Empowerment and State - National Defense Integration Act of 2011" was introduced in the Senate and designated S. 1025. Section 3 of that legislative proposal would amend section 151(a) of title 10, United States Code, to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

It is essential that the Senate receive your personal views, and those of each of the Joint Chiefs, on the proposal to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff as we approach Floor debate on the National Defense Authorization Act for Fiscal Year 2012.

I appreciate your cooperation in this matter and request your response at your earliest convenience.

Sincerely,



John McCain
Ranking Member

Copy to:

General Raymond Odierno, Chief of Staff, U.S. Army
Admiral Jonathan Greenert, Chief of Naval Operations
General James Amos, Commandant of the Marine Corps
General Norton Schwartz, Chief of Staff, U.S. Air Force



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

CM-0008-11
18 October 2011

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

Dear Senator McCain,

In response to your letter of 6 October 2011, I recommend against including the Chief of the National Guard Bureau (CNGB) as a member of the Joint Chiefs of Staff (JCS). I do so with the full concurrence of the Joint Chiefs.

As you know, I am a strong admirer of the National Guard and a strong advocate for ensuring that the CNGB's voice is heard. The CNGB has and will continue to attend each meeting of the Joint Chiefs that I chair.

Over the past ten years, the Active, Guard, and Reserve Components of our armed forces have become a single team. The team is strong because one individual from each Service—the Service Chief—has the responsibility, the authority, and the accountability for providing air, sea, and land forces for the Nation. The case to change this is simply not compelling. I would also note that unlike the CNGB, each of the Service Chiefs, the Vice Chairman, and the Chairman of the Joint Chiefs is subject to the civilian oversight of a single appointed and confirmed Secretary.

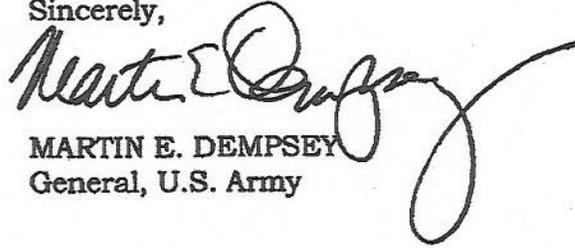
In our judgment, the CNGB's advisory roles under 10 USC 10502(c) are essential and sufficient.

Although the Chiefs and I recommend against adding the CNGB to the JCS, we are supportive of other ways of strengthening the National Guard. In particular, we support a Vice Chief of the NGB at the three-star level as an important leadership development opportunity.

The current advisory authorities recognize and value the Guard as both a state and federal force. And, it ensures the Guard is best positioned to participate in the deliberations of the JCS and provide counsel to the National Command Authority. I remain personally committed to ensuring the CGNB's voice is not just heard but is influential.

Your continued concern and support of our men and women in uniform are greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin E. Dempsey", with a large, stylized flourish extending to the right.

MARTIN E. DEMPSEY
General, U.S. Army

Copy to:

The Honorable Carl Levin
Chairman, Committee on Armed Services



DEPARTMENT OF THE ARMY
WASHINGTON DC 20310-0109

NOV 02 2011

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman,

We are writing to oppose including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

Our Army is the strength of the Nation because of its unity, versatility, and depth as the Total Army. It is absolutely vital that we maintain One Army in today's uncertain and complex strategic environment. We learned this lesson in the aftermath of the Vietnam War, and together with the All-Volunteer Force, the Total Army continues to serve our Nation extremely well during challenging times. With this context, coupled with 35 years of lessons, we have several reasons for opposing the CNGB as a member of the JCS.

First, representing only two (Army National Guard and Air Force National Guard) of seven Reserve Components at the Joint Chiefs of Staff level creates circumstances that will contribute to confusion and imbalance for the United States Army Reserve, the United States Air Force Reserve, the United States Marine Corps Reserve, the United States Navy Reserve and the United States Coast Guard Reserve (which are all adequately represented by their Military Departments), and challenges interoperability. Seating the Chief of the National Guard Bureau at the Joint Chiefs of Staff could also result in over-representation of Army and Air Force concerns.

We realize you are very familiar with the 2006-2007 debate before the Commission on the National Guard and Reserve on making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff. We firmly believe the Commission's findings still hold true today: this change "...would run counter to intra- and inter-service integration and would reverse progress toward jointness and interoperability...."

Second, we feel that the proposed legislation will complicate the central and enduring principle of civilian control of our nation's military. It is important that the Secretary of the Army and the Chief of Staff of the Army have clear authorities and responsibilities to ensure effective and efficient employment of the force. Adding the Chief of the National Guard Bureau as a full voting member of the Joint Chiefs of Staff will confuse the lines of authority currently in place.

Third, this legislation could effectively be creating a de facto separate domestic military Service by elevating the Chief of the National Guard Bureau to a level equal to the Chiefs of

Staff of the other Services. This could lead to potentially divided views on global force management, funding, modernization, RDT&E, training, doctrine and operational concepts. Currently, any competing priorities are effectively resolved within the Army with a clear chain of command, ensuring holistic and efficient management of our forces.

The integration of the Regular Army, Army National Guard, and Army Reserve has proven – during the past decade of conflict and natural disasters – to be unbeatable on the battlefield and irreplaceable in relief efforts at home and abroad. Now, more than in any time in our history, we are truly One Army. We could not have experienced our incredible operational successes without unity of command within our Army formations and complete unity of effort with our joint, civil, interagency and multinational partners.

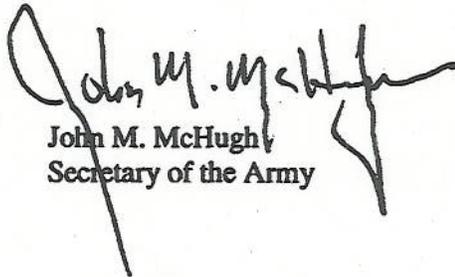
Finally, as we move forward, our Army needs to remain unified. Maintaining our National Guard and Reserve as critical Army components is essential while facing times of global uncertainty. The Reserve Component forces will continue to play a critical role in our national security strategy and the advice of the Chief of the National Guard Bureau and Chief of the Army Reserve will always be – as they always have been – extremely valuable and essential within the context of a Total Army in a balanced Joint Portfolio. The Army leadership remains committed to the strength of our Army, which is and will remain the strength of our Nation.

We appreciate your time and thoughtful consideration of this matter.

Sincerely,



Raymond T. Odierno
General, United States Army
Chief of Staff



John M. McHugh
Secretary of the Army



**THE SECRETARY OF THE AIR FORCE
CHIEF OF STAFF, UNITED STATES AIR FORCE
WASHINGTON DC**



The Honorable Jim Webb
Chairman
Personnel Subcommittee
Committee on Armed Services
United States Senate
Washington, DC 20515

NOV 2 2011

Dear Senator Webb:

Thank you for the opportunity to share our views concerning the legislative proposal to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff (JCS).

Over many decades, the U. S. Air Force has made great strides integrating the active and reserve components, creating the world's most lethal air force. We admire, value and rely upon the contributions our reserve components make daily as a part of our total force. We can assure you that the Air National Guard has a seat at the table and its voice is heard.

The roles, functions, and reporting relationships for the National Guard Bureau (NGB) are among the most complex in the Department of Defense (DoD). As you know, the NGB is a joint activity of DoD and the Chief of the NGB is a principal advisor to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving non-federalized National Guard forces. The Chief of the NGB is under the authority, direction, and control of the Secretary of Defense, but the Secretary normally exercises authority, direction and control through the Secretaries of the Army and the Air Force for matters pertaining to their responsibilities. The Office of the Director, Air National Guard (ANG) is an element of the NGB and supports the Chief of the NGB in his advisory role.

The Chief of the NGB is the principal advisor to the Secretaries and Chiefs of Staff of the Army and Air Force for matters pertaining to their Title 10 responsibilities, and he implements the Title 10 organize, train and equip direction of the Secretaries and Chiefs of Staff of the Army and the Air Force as they pertain to the National Guard. The ANG of the United States is a reserve component of the United States Air Force and, together with the Air Force Reserve and the Active Duty components of the Air Force, is a fully integrated element of the total forces that the Secretary and Chief of Staff provide to the Combatant Commanders. As the senior leadership of the Air Force, we are responsible for ensuring ANG requirements for capabilities and functions are fully considered in DoD's Planning, Programming, Budgeting and Execution System and policy making processes. With that, the Director, ANG and his representatives participate without limitation in the corporate Air Force decision making process.

One of the continuing challenges we face lies in the dual nature of Title 10 and Title 32 relationships. Specifically, for our Total Force development and employment to remain effective and efficient in all aspects of Air Force operations, unified Title 10 leadership is paramount. As recognized in the congressionally mandated Charter for the National Guard Bureau, the Secretaries of the Army and the Air Force exercise authority, direction, and control over the NGB on matters pertaining to the respective Secretary's responsibilities in law or DoD policy, except as otherwise directed by the Secretary of

Defense. This is essential for them to meet their responsibilities to the nation, and to integrate all components of their respective Services. The legislation passed by the House and proposed by the Senate to make the Chief of the NGB a member of the JCS would add further complexity to Title 10 relationships, confusing the lines of authority and representation already in place for Chiefs of Staff of the Army and Air Force to meet their JCS responsibilities.

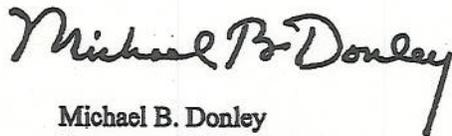
For these reasons, we strongly encourage you not to proceed with designating the Chief of the NGB as a member of the JCS. We believe that the current advisory role established under 10 USC 10502 continues to be both important and sufficient for advocacy of the National Guard's non-federal needs and missions. The Chief of the NGB will continue to have a strong voice and is an essential partner for the Secretary of Defense, Service Secretaries, and the Joint Chiefs of Staff, but he should not be put in a Title 10 position independent of Service leadership.

In summary, the Title 10 roles and requirements of the Air National Guard are appropriately addressed in law, in the Charter of the National Guard Bureau, and within the U.S. Air Force. Consistent with the unity of effort embodied in our Total Force approach, military advice in all matters concerning the U.S. Air Force should come from the Chief of Staff. In its Title 10 context, the National Guard Bureau (including its Army and Air elements), is not a separate service and should not be included as such within the statutory membership of the Joint Chiefs of Staff.

We support the proposal to establish a Vice Chief of the National Guard Bureau.

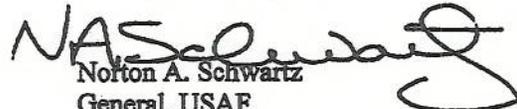
Thank you for your valued and continued strong support of the U.S. Air Force. Similar letters have been sent to Senator Levin and Senator McCain.

Sincerely,



Michael B. Donley
Secretary of the Air Force

Sincerely,



Norton A. Schwartz
General, USAF
Chief of Staff



CMSSEPARATOR



VETERANS OF FOREIGN WARS OF THE UNITED STATES

www.vfw.org | info@vfw.org

August 15, 2011

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

On behalf of the more than 2 million members of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I am pleased to offer our support for S. 1025, National Guard Empowerment and State-National Defense Integration Act of 2011.

This legislation takes positive steps to address critical challenges in Title 10 of United States Code. The bill will strengthen our national defense through the empowerment of the National Guard Bureau, the only component of the U.S military with a state and federal mission. It will also offer greater coordination between federal and state military personnel in domestic emergency response. It will make the National Guard Bureau Chief a statutory member of the Joint Chiefs of Staff, a much-needed change reflecting the realities of rotational deployments overseas in our post-9/11 world, and ensuring that Title 32 forces so often involved in homeland defense and disaster relief missions have an appropriate role in the Pentagon's policy-making process.

The men and women serving in our National Guard deserve the changes offered through this legislation; changes that we believe will not in any way harm or interfere with the unity of the military services, but rather foster greater cooperation at a time when joint interoperability is so critical to mission success. Thank you for taking the lead on this initiative and for your continued support of our armed forces and veterans. I look forward to working with you to ensure this legislation is enacted.

Sincerely,

Raymond C. Kelley, Director
VFW National Legislative Service

The American Legion



OFFICE OF THE
NATIONAL COMMANDER

★ WASHINGTON OFFICE ★ 1808 "K" STREET, N.W. ★ WASHINGTON, D.C. 20006 ★
(202) 263-2986 ★

September 28, 2011

Honorable Patrick Leahy
United States Senate
SR-433 Russell Senate Office Building
Washington, DC 20510

Dear Senator Leahy:

On behalf of the 2.4 million members of The American Legion I would like to express overwhelming support for the provisions you have included in S. 1025, the National Guard and State - National Defense Integration Act of 2011.

Historically, the Strategic Reserve has been under-funded and poorly equipped. Members of the Strategic Reserve were derisively called "weekend warriors." But in the last 10 years, the reserve component has proved itself to be a full partner in our wars overseas, in homeland defense operations, and in disaster relief. In fact, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have both stated that today's military cannot function without mobilized reserve component assistance.

The American Legion believes a fully operational reserve component is essential for a strong national defense. DoD must complete the transition from yesterday's Strategic Reserve to tomorrow's Operational Reserve. Many of the provisions of your bill will help accomplish that transition.

Reinstating and increasing the rank of the Vice Chief of the National Guard Bureau; increasing the profile of the National Guard Bureau in its relationship with U.S. Northern Command and U.S. Pacific Command; studying the cost effectiveness of the National Guard and highlighting the Army and Air Guard budget requests will all strengthen the Operational Reserve in key ways in the years to come.

Thank you, Senator, for your support of our men and women in uniform. We join you in calling for the Senate to pass the provisions of S. 1025 into law.

Sincerely,

FANG A. WONG
National Commander
The American Legion



Dave Heineman
Governor of Nebraska
Chair

Jack Markell
Governor of Delaware
Vice Chair

Dan Crippen
Executive Director

August 22, 2011

The Honorable Patrick Leahy
United States Senate
Washington, D.C. 20510

The Honorable Lindsey O. Graham
United States Senate
Washington, D.C. 20510

Dear Senator Leahy and Senator Graham:

The nation's governors appreciate your work to support the National Guard and thank you for introducing the *National Guard Empowerment and State-National Defense Integration Act of 2011*. This legislation represents an important step forward in ensuring that our National Guard is properly trained, equipped, and resourced to fulfill its federal and state missions and that the Guard is properly represented within the Department of Defense.

The National Guard serves as a unique resource in the nation's defense by supporting overseas missions and protecting the homeland. Since September 11, 2001, hundreds of thousands of National Guard members have served in federal combat missions in Iraq and Afghanistan. At the same time, the men and women of our National Guard have helped protect the safety and security of citizens during the response to domestic emergencies. The National Guard's presence in our communities is a cornerstone of state preparedness and response capabilities and helps reduce the need for federal assistance during times of crisis.

The *National Guard Empowerment and State-National Defense Integration Act* recognizes the importance of the Guard's overseas and homeland defense missions. Governors agree with the legislation's objectives of further clarifying and strengthening the role of the National Guard within the Department of Defense and ensuring the National Guard is able to carry out domestic operations in support of civilian authorities. These initiatives reflect and support the important role of the National Guard. We look forward to working with you to further these efforts.

Sincerely,

Governor Martin O'Malley
Co-Chair
Special Committee on Homeland Security
and Public Safety

Governor Matthew H. Mead
Co-Chair
Special Committee on Homeland Security
and Public Safety



National Guard Coalition

May 16, 2011

The Honorable Patrick Leahy
United States Senate
437 Russell Senate Office Building
Washington, DC 20510

The Honorable Lindsey Graham
United States Senate
290 Russell Senate Office Building
Washington, DC 20510

Dear Senator Leahy and Senator Graham:

We are writing to express our strong support and utmost appreciation for the **National Guard Empowerment and State-National Defense Integration Act of 2011**. The National Guard Coalition, consisting of the National Guard Association of the United States, the Adjutants Generals Association of the United States, and Enlisted Association of the National Guard of the United States, represents over 460,000 members of the National Guard, their families and employers.

This strategic legislation will further enhance the ability of the National Guard to perform both its state and federal missions, as well as ensure that the Chief of the National Guard Bureau is at the table when important homeland defense and disaster response issues are being dealt with at the Joint Chiefs of Staff level.

As you know, previous Empowerment legislation has helped ensure that the National Guard is better prepared to perform both its federal and state missions. The last ten years of war in Iraq and Afghanistan plus disasters such as Hurricane Katrina have demonstrated to our country that the National Guard is an indispensable member of our national defense and disaster response forces.

To help ensure that the National Guard builds on the enhanced readiness progress it has achieved with the help of Congress in recent years, we look forward to working with you to ensure the passage of the National Guard Empowerment and State-National Defense Integration Act of 2011. Nothing less than the defense of our homeland and protection of the property and lives of our fellow citizens are at stake.

Sincerely,

Michael Dubie
Major General
President, AGAUS

Frank Vavala
Major General
Chairman, NGAUS

Roger A. Hagan
CMSgt (Ret), USAF
President, EANGUS