

March 19, 2020

The Honorable Mark Esper  
Secretary  
Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Secretary Esper:

On behalf of the Presidentially appointed Council of Governors (Council), we write to you regarding recent reports that the Administration is considering mobilizing the National Guard to federal status in response to the novel coronavirus (COVID-19) National Emergency.

The Council's statutory mandate is to "advise the Secretary of Defense, the Secretary of Homeland Security and the White House...on matters related to the National Guard and civil support missions." Likewise, as we have written to you previously, our mutual agreement - *The State-Federal Consultative Process for Programming and Budgetary Proposals Affecting the National Guard* - is designed to ensure effective collaboration, consultation and communication on strategies, plans, programming and budgetary processes affecting the National Guard.

We believe it is our responsibility to advise you on any actions you may be considering to utilize the National Guard in response to COVID-19. We urge the Administration to authorize the use of National Guard members under Title 32, United States Code, specifically 502(f).

All disaster and emergencies are federally supported, state managed and locally executed. Governors across the country are working diligently and rapidly to respond to the COVID-19 crisis. This includes activating our National Guard to support our state and territorial health and emergency management professionals.

The Council has long advocated that the Department establish a formal process for governors to request the activation of our National Guard under Title 32, United States Code, specifically 502(f), in response to catastrophic disasters and national emergencies. We believe that this authority, in support of the current National Emergency, will ensure more streamlined and operationally effective and responsive operations to support our communities and citizens in combatting COVID-19.

Should this National Emergency continue for a prolonged period, the Council urges the Administration to avoid the use of Title 10, United State Code for the National Guard, which takes away the governors ability to manage their response and diminishes the partnership that helps to ensure each state and territory can address and respond to their unique circumstances.

We appreciate your consideration of this important issue and ask you to consider the use of Title 32 to respond to this National Emergency.

Sincerely,

A handwritten signature in black ink that reads "Asa Hutchinson". The signature is written in a cursive style with a large, sweeping "H".

Governor Asa Hutchinson  
Arkansas  
Co-Chair

A handwritten signature in black ink that reads "David Ige". The signature is written in a cursive style with a large, sweeping "I".

Governor David Ige  
Hawai'i  
Co-Chair