



SECRETARY OF DEFENSE  
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WASHINGTON, DC 20301-1000

MAY 10 2007

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
COMMANDERS OF THE COMBATANT COMMANDS  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF  
DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF  
DEFENSE  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
CHIEF, NATIONAL GUARD BUREAU  
CHAIRMAN, RESERVE FORCES POLICY BOARD

SUBJECT: Implementation of the Recommendations from the Commission on the  
National Guard and Reserves

As required by section 529 of the John Warner National Defense Authorization Act for Fiscal Year 2007, the Commission on the National Guard and Reserves released a report of its findings and recommendations based on an extensive review of options to empower the Chief of the National Guard Bureau, enhance the National Guard Bureau, and determine the adequacy of the federal planning for homeland security and civil support.

Upon release of the Commission's report, I established a working group to provide me with an assessment and recommended implementation plan regarding the 23 recommendations made by the Commission. Additionally, I previously asked the Chairman of the Joint Chiefs of Staff for an assessment of how the National Guard might be arranged differently to meet the national security requirements of the United States better. After carefully reviewing the recommendations of the working group, the separate assessment from the Chairman of the Joint Chiefs of Staff, and considering alternative points of view, I am concurring in whole or substantially in part with 20 of the Commission's recommendations. Included in these 20 recommendations are four recommendations (14, 15, 18 and 23) that require no action since they affirm current statutory authority and existing Department of Defense (DoD) policies and practices.

Therefore, I am directing the Department immediately to begin implementing 9 of the 20 recommendations that can be accomplished through changes in DoD policies and



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procedures (recommendations 4, 5, 10, 11, 12, 16, 19, 21 and 22), and draft legislative proposals for three of the 20 recommendations requiring a change in law (recommendations 7, 13 and 20). While the Department will implement the changes identified in recommendation 10 through policy, I am also directing that legislation be prepared to specify that the Secretary of Defense is responsible for developing and prescribing the charter for the National Guard Bureau. Those legislative amendments should be prepared as quickly as possible so they can be included in the Department's legislative program for Fiscal Year 2008.

Further, the Department will continue to work collaboratively with the Department of Homeland Security to implement four of the 20 recommendations: Recommendation #1 – provide recommendations to the Secretary of Defense regarding DoD's policy on programming and budgeting to meet civil support capabilities; Recommendation #2 – improve DHS's knowledge of the National Guard by exchanging representatives; Recommendation #3 – provide Congress with an annual report on our collaborative homeland security and civil support activities; and Recommendation #6 – establish a Council of Governors.

As stated, although I do not agree with three recommendations (recommendations 8, 9 and 17), I am directing an alternative approach to address the shortcomings identified by the Commission, guided by the following principles. First, regarding recommendation number 8, is to preserve the President's command and control of federal forces while allowing federal forces to assist state authorities in responding to an event in accordance with clearly defined protocols. Second, regarding recommendation number 9, is to recognize the joint functions being performed by the National Guard Bureau, to include a new reporting relationship to me and the Chairman on matters prescribed in a revised charter for the National Guard Bureau, and provide the appropriate joint duty credit and eligibility for joint awards for the National Guard Bureau staff. Third, regarding recommendation number 17, is to ensure that procedures are established that consider qualified National Guard and Reserve officers for the most senior command and leadership positions within the Department, not only at U.S. Northern Command, but all joint and service senior leadership positions, consistent with their education, training, and civilian and military experience.

The attached tasking identifies the lead office for each recommendation that requires action, offices assigned a support role, and additional guidance to implement the recommendation. The lead office should coordinate with other offices, as appropriate. For each lead office, please provide the Deputy Secretary with your implementation plan no later than two weeks from the date of this memorandum.

Many of the recommendations made by the Commission on the National Guard and Reserves were the direct result of perceived shortcomings they identified in the Department's ability to support civil authorities in domestic emergencies. Therefore, I

am asking that your plans prescribe an aggressive implementation schedule. Once I have approved your implementation plans, I will ask the Deputy Secretary of Defense, supported by the Director, Administration and Management, to monitor progress through regular updates.

A handwritten signature in black ink, appearing to read "Robert Gates". The signature is written in a cursive style with a large initial "R" and a long, sweeping tail.

Attachment:  
As stated

## **Implementation of Recommendations from the Commission on the National Guard and Reserves**

### **I. Policy Changes**

- A. The Chairman of the Joint Chiefs of Staff, in coordination with the Under Secretary of Defense for Policy, the Commander, U.S. Northern Command, the Chief of the National Guard Bureau, and to the extent applicable, the Commanders of U.S. Pacific Command and U.S. Southern Command:
1. Continue the development of the National Military Strategic Plan, and other relevant operations plans for consequence management and support to civil activities accounting for state-level activities including the National Guard and incorporating Active and Reserve forces as military responders that, to the extent applicable and practical, are familiar with state emergency plans and state resources, capabilities, and emergency response activities.  
*(Commission recommendation #19, modified to include active and reserve force military responders and the requirement for the COCOMs to be familiar with state plans and resources)*
  2. Advocate for validated civil support requirements, through the Joint Requirements Oversight Council process, in the Department of Defense's capabilities development, requirements generation and validation, and programming systems.  
*(Commission recommendation #4)*
- B. The Chairman of the Joint Chiefs of Staff, in coordination with Commander, U.S. Northern Command and the Chief of the National Guard Bureau:
1. With an objective of assigning a significant percentage of Reserve component personnel to U.S. Northern Command, determine billets that could be better suited for fill with qualified National Guard and Reserve personnel by conducting a review of all U.S. Northern Command billets to document the qualifications and experience needed to perform the full-range of missions assigned to U.S. Northern Command, to include planned federal responses to incidents and familiarity with state and local response plans and capabilities.
  2. Identify senior leader and other key positions at U.S. Northern Command that require experience with National Guard or Reserve forces to effectively carry out those duties and include that requirement in the job description.  
*(Commission recommendation #16, modified to state an objective of assigning a significant percent of Reserve component personnel to NORTHCOM rather than a majority)*

C. The Secretaries of the Military Departments, in coordination with the Under Secretary of Defense (Comptroller)/Chief Financial Officer:

1. Utilize the Joint Requirements Oversight Council (JROC) process to ensure that needed National Guard civil support capabilities identified by the Department of Homeland Security and validated by the Department of Defense are consistent with priorities established in the Defense Planning Guidance.

*(Commission recommendation #5)*

D. The Under Secretary of Defense for Personnel and Readiness, with the Chairman of the Joint Chiefs of Staff, the Secretary of the Army, the Secretary of the Air Force, and the Under Secretary of Defense for Policy, the Commander, U.S. Northern Command, as required, the Commander, U.S. Pacific Command and the Commander, U.S. Southern Command, and with the support of the Director for Administration and Management and the Chief of the National Guard Bureau:

1. Revise the Charter of the National Guard Bureau. These changes to the charter will ensure that the National Guard Bureau becomes the focal point for National Guard matters at the strategic level, but will in no way diminish the title 10 statutory responsibilities of the Chief of the National Guard Bureau to the Secretaries of the Army and Air Force. The charter shall be amended to specify the following new responsibilities and functions:
  - The Chief of the National Guard Bureau serves as an advisor to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff on matters involving planning, operation and integration of non-federalized National Guard forces, and other matters as the Secretary determines appropriate.
  - Establish an advisory relationship between the Chief of the National Guard Bureau and the combatant commanders for the United States, commensurate with the mission requirements of the combatant commanders.
  - Provide for the Chief of the National Guard Bureau to communicate directly with the heads of DoD components and the Office of the Secretary of Defense Principal Staff Assistants on National Guard matters, keeping the Secretary of the Army and the Secretary of the Air Force informed of communications as they pertain to their respective service.
  - Support the development and integration of operational concepts, capabilities and plans for National Guard domestic operations for the combatant commanders for the United States as prescribed by the Chairman of the Joint Chiefs of Staff, the Secretaries of the Army and Air Force and the Under Secretary of Defense for Policy.

- ♦ In accordance with applicable law, coordinate, support and monitor the employment of non-federalized National Guard forces with appropriate combatant commanders, other federal agencies when National Guard forces are supporting those agencies, and National Guard State Joint Force Headquarters.  
*(Commission recommendations #11 and #12, modified to effect the changes in policy rather than proposing legislation)*
    - 2. Initially, the revised charter will be prepared as a directive-type memorandum, pending publication of the charter in the DoD Directives System.  
*(Commission recommendations #11 and #12, modified to effect the changes in policy rather than proposing legislation)*
- E. The Under Secretary of Defense for Personnel and Readiness, in coordination with the Chairman of the Joint Chiefs of Staff:
- 1. Modify Joint Professional Military Education delivery methods in ways that significantly enhance opportunities for National Guard and Reserve officers to obtain the education and experience to perform effectively in the joint environment and compete equally for promotion to all grades.  
*(Commission recommendation #21)*
- F. The Under Secretary of Defense for Personnel and Readiness, in coordination with the Chairman of the Joint Chiefs of Staff:
- 1. Review policies and processes for the selection and assignment of personnel for joint and Defense positions and make appropriate changes with the goal of filling positions at all levels with the best-qualified personnel from the Regular, National Guard and Reserve ranks.  
*(Commission recommendation #17)*
- G. The Secretaries of the Military Departments:
- 1. Ensure that National Guard and Reserve general and flag officers have the opportunity to serve in joint assignments, obtain joint experience, and acquire joint qualifications to compete for positions for which the grade of lieutenant general/vice admiral (O-9) or general/admiral (O-10) is authorized.
  - 2. Ensure that the nomination process contains the requirement to consider National Guard and Reserve officers for assignment to commander and deputy commander positions at all combatant commands and other senior joint and service positions throughout the command and staff structure.  
*(Commission recommendation #22)*

## II. Legislative Changes

- A. The Under Secretary of Defense for Personnel and Readiness, in coordination with the appropriate parties, draft legislation that:
1. Removes the prescription in Title 10 limiting the grade of the Chief, National Guard Bureau with any necessary conforming amendments.  
*(Commission recommendation #13)*
  2. Specifies that the Secretary of Defense is responsible for prescribing the charter for the National Guard Bureau.  
*(Commission recommendation #10, modified to specify the charter is prescribed by SecDef with the other changes accomplished through a change in policy)*
  3. Expands the “dual-hatting” provision of Title 32 to include more than commanders. *(Commission recommendation #7)*
  4. Amends the statute governing the Reserve Forces Policy Board to establish a Reserve Forces Advisory Board consisting of a civilian chairman and ten uniformed and civilian voting members who are appointed by the Secretary of Defense. The chairman and a majority of the board members shall have significant National Guard or Reserve experience. Additionally, a Reserve component general or flag officer will serve either part-time or full-time without vote as the military advisor and executive officer of the board. The chairman, acting on behalf of the board, will provide advice directly to the Secretary of Defense on matters relating to the National Guard and Reserve components. Further, include that this board is exempt from the Federal Advisory Committee Act.  
*(Commission recommendation #20, modified to establish a reduced board composition reporting directly to SecDef as an advisory board)*

## III. Recommendations Requiring Coordination with the Department of Homeland Security

- A. The Under Secretary of Defense for Policy, with the Chairman of the Joint Chiefs of Staff, the Secretaries of the Military Departments and the Commander, U.S. Northern Command and the Chief, National Guard Bureau:
1. Provide recommendations to the Secretary of Defense regarding DoD’s policy on, programming and budgeting for civil support capabilities.  
*(Commission Recommendation #1)*
- B. The Under Secretary of Defense for Policy, in coordination with the Chairman of the Joint Chiefs of Staff, the Secretaries of the Military Departments, the Commander, U.S. Northern Command, the General Counsel of the Department of

Defense, and the Chief, National Guard Bureau:

1. Draft an executive order establishing a Council of Governors to advise the Secretary of Defense and the Secretary of Homeland Security on homeland security issues, matters involving the National Guard of the various states, and other matters of mutual interest.

*(Commission Recommendation #6, as modified to establish the council through an executive order)*

2. Submit an annual report to Congress describing those civil support requirements generated by the Secretary of Homeland Security and those validated as well as executed by the respective Secretaries of the Military Departments.

*(Commission Recommendation #3, modified to effect the report as a matter of policy rather waiting for Congress to establish a reporting requirement)*

C. The Under Secretary of Defense for Policy, in coordination with the Chairman of the Joint Chiefs of Staff, the Secretaries of the Military Departments, the Commander, U.S. Northern Command, the Chief, National Guard Bureau, the chiefs of the Reserve components, the Executive Secretary of the Department of Defense, the Director for Administration and Management:

1. Revise the Memorandum of Agreement (MOA) with the Department of Homeland Security on the exchange of personnel. The revised MOA will ensure that Department of Defense personnel with significant knowledge and experience in National Guard and Reserve matters are detailed to the Department of Homeland Security and that personnel detailed from the Department of Homeland Security have the opportunity to enhance their knowledge of National Guard and Reserve capabilities. The exchange program should also include involvement in planning, training and exercises that could assist in validating requirements for federal civil support missions.

*(Commission Recommendation #2)*

#### IV. Other Matters

A. The Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Under Secretary of Defense for Personnel and Readiness, the Commander, U.S. Northern Command, and the Chief, National Guard Bureau, in consultation with the General Counsel of the Department of Defense:

1. Develop options and proposed protocols that allow federal forces to assist state emergency response personnel in order to have a coordinated response to domestic catastrophes and other emergency operations. These protocols must preserve the President's authority as commander in chief of federal forces, and should emphasize unity of effort, rather than purport to establish unity of command in state authorities, consistent with section 162(b) of title



10 of the U.S. Code.  
***(Commission Recommendation #8)***

B. The Under Secretary of Defense for Personnel and Readiness, in coordination with the Chairman of the Joint Chiefs of Staff:

1. Ensure the new joint officer management policies and procedures provide for the appropriate joint duty credit for officers assigned to the National Guard Bureau staff.

***(Commission recommendation #9)***

2. Amend, as necessary, the Manual of Military Decorations and Awards (DoD1348.33-M) to provide eligibility for Department of Defense decorations for personnel assigned on or after August 1, 2004, to the staff of the National Guard Bureau.

***(Commission recommendation #9)***