

**Congress of the United States**  
**Washington, DC 20515**

November 13, 2014

The Honorable Howard P. “Buck” McKeon  
Chairman  
House Armed Services Committee  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
Washington, DC 20515

Dear Chairman McKeon and Ranking Member Smith:

We write today to convey our strong support for Section 513 to be included in the final conference version of H.R. 4435, the Howard P. ‘Buck’ McKeon National Defense Authorization Act (NDAA) for Fiscal Year 2015. Section 513 codifies the 40-year-old practice of U.S. state aerial firefighting using the Modular Airborne Firefighting System (MAFFS) and has broad bipartisan, bicameral support.

For more than 40 years, the states of California, North Carolina, and Wyoming respond annually to thousands of national fires throughout the country. Working through the U.S. Forest Service, state governors and their emergency services offices work in tandem to ensure state firefighting resources are employed when requested, just like states assist each other during other disasters, be it hurricanes, floods or mudslides. Unfortunately, the Department of Defense’s Office of Homeland Defense has proposed to take away governor control of MAFFS, mandating that it be performed under the direct authority of DoD in a Title 10 duty status, as opposed to a governor-controlled Title 32 National Guard mission.

National Guard MAFFS pilots require highly specialized training to perform this mission. We are concerned that asking MAFFS crews to conduct this mission in a Title 10 status will create increased bureaucracy and lead to delays in deploying MAFFS during emerging wildfires, jeopardizing the National Guard’s ability to man crews for the fire season – particularly as numerous pay and benefit detriments will result if Title 10 is made a requirement. Furthermore, these negative consequences to pay and benefits may cause a lack of volunteerism, on which the program relies. These reasons, among others, have led the Chief of the National Guard Bureau and adjutants general in California, Wyoming, and North Carolina to formally oppose this proposal. Furthermore, in May of this year, all six senators from California, Wyoming, and North Carolina and 37 Members of Congress from the three MAFFS states sent letters to Secretary of Defense Chuck Hagel requesting that DoD withdraw proposals to move MAFFS to Title 10.

Section 513 was adopted unanimously, en bloc as an amendment by the House Armed Services Committee during full committee markup of the bill. The provision codifies current MAFFS activities within Title 32, an authority they have successfully operated under for more than 40 years. The provision does not force the use of Title 32, but codifies current practices to provide

the full flexibility for the incident commander to decide how best to employ MAFFS. Senator Barrasso has offered this amendment to the Senate NDAA as well. However, with the Senate unlikely to take up their version of the bill it is important to note that bipartisan, bicameral support exists in support of Section 513. Given broad congressional support, and with no known opposition from any governor or member of Congress, we request you include Section 513 in the final conference version of the Fiscal Year 2015 NDAA.

We appreciate your attention to this matter and look forward to working with you.

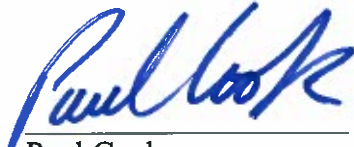
Sincerely,



Scott Peters  
Member of Congress



Duncan Hunter  
Member of Congress



Paul Cook  
Member of Congress



Henry A. Waxman  
Member of Congress



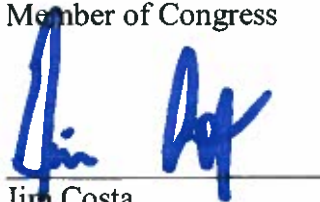
Julia Brownley  
Member of Congress



Richard Hudson  
Member of Congress



Grace F. Napolitano  
Member of Congress



Jim Costa  
Member of Congress




Cynthia Lummis  
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Robert Pittenger  
Member of Congress

  
Walter B. Jones  
Member of Congress

  
Doug LaMalfa  
Member of Congress

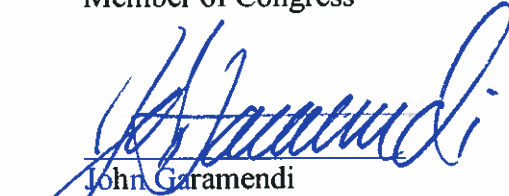
  
Lois Capps  
Member of Congress

  
Adam B. Schiff  
Member of Congress

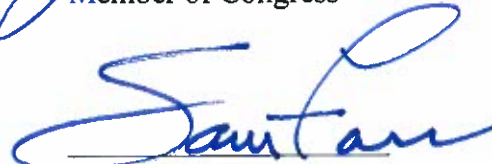
  
Juan Vargas  
Member of Congress

  
Mike Honda  
Member of Congress

  
Susan Davis  
Member of Congress

  
John Garamendi  
Member of Congress

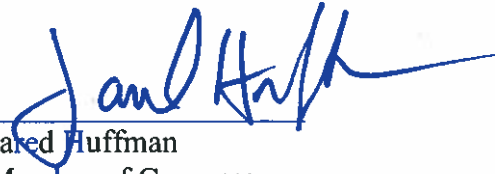
  
Alan Lowenthal  
Member of Congress

  
Sam Farr  
Member of Congress

  
Eric Swalwell  
Member of Congress



Judy Chu  
Member of Congress



Jared Huffman  
Member of Congress