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April 29, 2024

The Honorable Lloyd J. Austin, III
Secretary of Defense
United States Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Austin:

As Governors representing 53 states and territories, we are writing to express our strong opposition to Legislative Proposal 480 (LP480) submitted by the Department of Defense to the Senate Armed Services Committee. This legislation disregards gubernatorial authorities regarding the National Guard and undermines over 100 years of precedent as well as national security and military readiness.

Ensuring the National Guard is adequately equipped with resources and capabilities to serve as the operational combat reserve for national security missions and to support domestic emergencies is among the National Governors Association's highest priorities. It is imperative that Governors retain the authority laid out in United States Code (U.S.C.) Title 32, Section 104. LP480 undercuts this critical authority by allowing a transfer of covered space units from the National Guard to the United States Space Force without abiding by Title 32 or Title 10.

Specifically, section 18238 of Title 10 states that there should be no removal or withdrawal of a unit of the Air National Guard without consultation and approval from Governors. Additionally, section 104 of Title 32 states there is to be no change in the branch, organization, or allotment of National Guard units within a state or territory without the approval of its Governor.

For over a century, Title 10 and Title 32 of U.S.C have upheld gubernatorial authority over the National Guard. National Guard assets are critical components of states' and territories' responses to crises. Governors must maintain full authority as Commanders in Chief of these assets to effectively protect operational readiness and America's communities.

Legislation that sidesteps, eliminates or otherwise reduces Governors' authority within their states and territories undermines longstanding partnerships, precedence, military readiness and operational efficacy. This action also negatively affects the important relationships between Governors and DOD at a time when we need to have full trust and confidence between the two to meet the growing threats posed by the era of strategic competition as well as natural disasters. LP480 also poses a threat to the careers of state-based service members who will be forced to choose between state service or continuing in their current field at a time when there are already significant recruitment challenges. An action like this will violate the trust of the brave women and men who have volunteered to serve our states and our nation.

Governors look forward to collaborating with congressional leaders and federal officials to ensure strong national security. Our top priority is the success of critical national security missions, both at home and abroad, which necessitates protecting Governors’ rights to lead as Commanders in Chiefs. Any federal efforts or legislative actions intended to disregard or weaken these authorities will negatively impact our ability to serve the nation and deeply damage the relationship between states and the federal government.

For these reasons, we urge you to oppose LP480. Thank you again for your attention to this critical matter.


Sincerely,



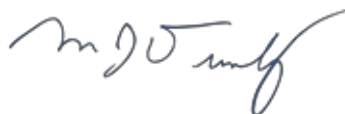
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State of Alabama



Governor Mike Dunleavy
State of Alaska



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State of Arizona



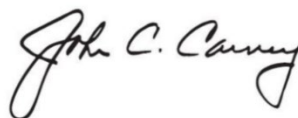
Governor Sarah Huckabee Sanders
State of Arkansas



Governor Gavin Newsom
State of California



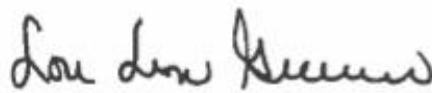
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State of Connecticut



Governor John Carney
State of Delaware



Governor Brian Kemp
State of Georgia



Governor Lou Leon Guerrero
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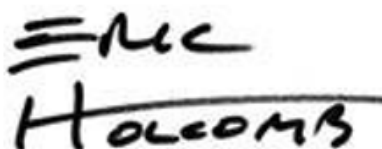
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State of Hawaii



Governor Brad Little
State of Idaho



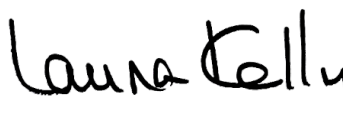
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Governor Kim Reynolds
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Governor Andy Beshear
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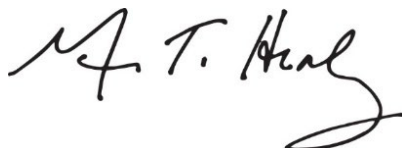
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Governor Janet Mills
State of Maine



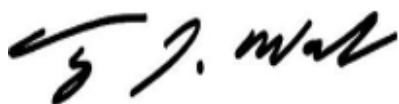
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Governor Maura Healey
State of Massachusetts



Governor Gretchen Whitmer
State of Michigan



Governor Tim Walz
State of Minnesota



Governor Tate Reeves
State of Mississippi



Governor Mike Parson
State of Missouri



Governor Greg Gianforte
State of Montana



Governor Jim Pillen
State of Nebraska



Governor Joe Lombardo
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State of New Hampshire



Governor Phil Murphy
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Governor Michelle Lujan Grisham
State of New Mexico



Governor Kathy Hochul
State of New York



Governor Roy Cooper
State of North Carolina



Governor Doug Burgum
State of North Dakota



Governor Arnold Palacios
Commonwealth of the Northern Mariana Islands



Governor Mike DeWine
State of Ohio



Governor Kevin Stitt
State of Oklahoma



Governor Tina Kotek
State of Oregon



Governor Josh Shapiro
State of Pennsylvania



Governor Pedro Pierluisi
Puerto Rico



Governor Dan McKee
State of Rhode Island



Governor Henry McMaster
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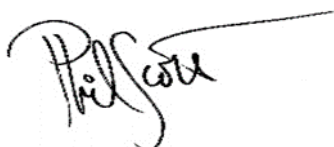
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State of South Dakota



Governor Bill Lee
State of Tennessee



Governor Albert Bryan
U.S. Virgin Islands



Governor Phil Scott
State of Vermont



Governor Glenn Youngkin
State of Virginia



Governor Jay Inslee
State of Washington



Governor Jim Justice
State of West Virginia



Governor Tony Evers
State of Wisconsin



Governor Mark Gordon
State of Wyoming

cc:

The Honorable Joseph R. Biden, Jr., President of the United States
 The Honorable Mike Johnson, Speaker, United State House of Representatives
 The Honorable Charles E. Schumer, Majority Leader, United States Senate
 The Honorable Mitch McConnell, Minority Leader, United States Senate
 The Honorable Hakeem Jeffries, Minority Leader, United States House of Representatives
 The Honorable Jack Reed, Chairman, Committee on Armed Services, United States Senate
 The Honorable Roger Wicker, Ranking Member, Committee on Armed Services, United States Senate
 The Honorable Mike Rogers, Chairman, Committee on Armed Services, United States House of Representatives
 The Honorable Adam Smith, Ranking Member, Committee on Armed Services, United States House of Representatives
 The Honorable Frank Kendall, Secretary of the United States Air Force
 The Honorable Alex Wagner, Assistant Secretary of the United States Air Force
 General CQ Brown, Chairman of the Joint Chiefs of Staff, United States
 General David Allvin, Chief of Staff, United States Air Force
 General Bradley Saltzman, Chief of Space Operations, United States Air Force
 General Dan Hokanson, Chief of the National Guard Bureau
 Lieutenant General Mike Loh, Director of the Air National Guard