



April 2, 2024

The Honorable Lloyd J. Austin
Secretary
United States Department of Defense
1100 Defense Pentagon
Washington, D.C. 20301

To Secretary of Defense Austin,

In January 2024, I penned a letter expressing my significant concerns regarding Section 924 of the 2024 National Defense Authorization Act (NDAA) and the Department of Defense (DoD) recommended course of action of moving Air National Guard space missions, equipment, and personnel, into the Title 10 U.S. Space Force. Aside from negative national security implications, my chief concern was the precedent that such a course of action would set.

In accordance with 32 U.S.C. § 104(c) and 10 U.S.C. § 18238, I will continue to oppose any involuntary removals of Colorado Air National Guard space units and personnel as well as any reductions to the Colorado National Guard's force structure.

Legislative Proposal (LP) 480, authorized by the Secretary of the Air Force, would transfer all covered space functions of the Air National Guard to the United States Space Force. In addition, this legislative proposal stated that such transfer shall occur "without regard to section 32 U.S.C. § 104(c) or 10 U.S.C. § 18238".

This direct override of gubernatorial authority to exercise control over the units that are permanently based or removed from their respective states flies in the face of over 120 years of military tradition, organizational structure and efficacy, and precedent. This action would threaten the ability of the National Guard to serve as the operational combat reserve for national security missions as well as its ability to support domestic emergencies. Both of these outcomes are unacceptable.

In addition, this legislative proposal and the precedent it sets, threatens the very existence of the National Guard. If foundational portions of the US Code, such as Title 32, can be overwritten, and personnel can be removed from their states at any time, it puts both missions and people at risk. Each servicemember signed a contract to serve in the Colorado Air National Guard and swore an oath to serve both the United States of America, and the State of Colorado. As their

Commander-in-Chief, I cannot stand idly by as the servicemembers I am charged with leading are faced with the decision to either leave military service, or serve in a manner that they did not originally agree to. We know that a significant majority of Air National Guard space operators will not transfer to the U.S. Space Force, putting both their military career and national security at risk.

I oppose this legislation in the strongest possible terms. This proposal's enactment would not only have substantial negative effects to national security, but would also have broader detrimental philosophical implications to the very role of the National Guard, gubernatorial authority therein, and the continued existence of state-based citizen servicemembers.

I remain committed to working with your office to find a solution that maintains American readiness and national security, while also preserving gubernatorial authority and the integrity of the Colorado Air National Guard. I look forward to a continued dialogue on this issue.

Sincerely,

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis
Governor
State of Colorado