

22 August 2005

BRAC Commission

AUG 23 2005

Ms. Turner,

Received

Our AG through Colonel Proehl requested us to forward this to the commission to become part of public record.

Thank you,

Tom Funk, Capt. NVANG

Congress of the United States
Washington, DC 20515

March 24, 2005

The Honorable Donald Rumsfeld, Secretary
Department of Defense
1000 Defense, The Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary:

As the Base Realignment and Closure (BRAC) process begins, it has come to our attention that federal law prohibits the closure or relocation of Army National Guard installations or Air National Guard bases without the consent of the governor of the state. This is clearly outlined in Title 10, United States Code, as follows:

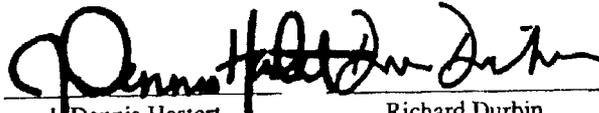
Title 10 USC 18238 (e):

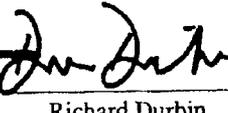
"(e) A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the state or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia."

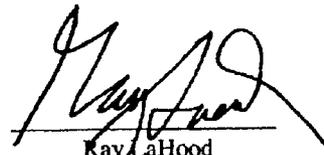
This language has been discussed with the United States House of Representatives Legislative Counsel and it is their opinion that nothing in the BRAC provisions neither amends nor calls for the amending of the above Title 10 provision, which is part of the general and permanent law applicable to the National Guard.

Therefore, pursuant to Title 10 section 18238(e), we respectfully request that any and all actions taken under BRAC against Air and Army National Guard bases without the consent of the governors of those states be stopped immediately. We appreciate your prompt attention to this request, as the BRAC process continues.

Respectfully,


J Dennis Hastert
Speaker of the House


Richard Durbin
United States Senator


Ray LaHood
Member of Congress