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Adjutants General Association *of the* UNITED STATES

Analysis of Department of Defense And United States Air Force

Base Realignment and Closure Recommendations

11 August 2005

Report submitted to the Defense Base Realignment and Closure Commission

Major General Roger Lempke – President, AGAUS
Major General Francis Vavala – Vice President, AGAUS

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11 August 2005

The Honorable Anthony J. Principi
Chairman
Defense Base Closure and Realignment Commission
2521 S. Clark St., Ste. 600
Arlington, VA 22202

Dear Chairman Principi:

On behalf of all the Adjutants General and the members of the Air National Guard, I again want to thank you and the Commissioners for ensuring that Air National Guard issues are thoroughly and properly addressed in the Base Closure and Realignment (BRAC) process.

We are submitting to the commission a list of recommended actions that ensure key capabilities required for homeland defense and homeland security are not lost and that the Air National Guard retains important sites and vital personnel experience for new missions envisioned in the Air Force Total Future Force. Also, our recommendations are sensitive to current and potential future, legal actions by Governors. This list is supported by information that is described in attachment #1.

Most importantly, our recommendations mainly consider actions that change missions, personnel, and propose realignments that are outside the scope of the Base Closure Act. We offer no recommendations regarding actual base closures. Closure is a responsibility clearly defined for the BRAC Commission. Each location under consideration for closure has made its case for continuing operations that will stand on merit. Our recommendations focus on what have become known programmatic actions and enclaves.

Noticeable patterns emerge from our list of recommendations that conform to key principles unanimously adopted by the Adjutants General.

- Our list does not contain recommendations to alter Active Duty or Reserve aircraft movements. We deal only with what we know.
- We contend that aircraft retirements should be managed outside of the BRAC process. The BRAC timeline imposes artificial timelines that will severely disrupt planning and readiness. Our recommendation is to vote down aircraft retirements.
- Our recommendations reflect strongly held beliefs supported by performance that the number of aircraft in Air National Guard units should be different than what is recommended by the Air Force. No compelling study or logic that we are aware has been presented to the BRAC Commission to refute this position.
- We reject the "enclave" concept because its impact on the fabric of the Air National Guard, the experienced and dedicated people, and our deep concerns about homeland security.

Our recommendations are based on principle but also prudence. Some recommended BRAC actions we concur with. Some actions that some might consider programmatic in nature have been under discussion before the DoD BRAC list was released and should continue. Our recommendations are few when compared to expansive size of the Air Force recommendations.

Finally, how the BRAC Commission acts on our recommendations will dramatically shape the Air National Guard of the future. If the BRAC Commission largely accepts our recommendations the Adjutants General will be able to work with Chief, National Guard Bureau and the Air Force to define and correctly allocate, budget, and schedule transformational moves to modernize the Air National Guard and transition to new missions. We are confident that NGB and Air Force leadership are on the right track already. However, if Air Force BRAC recommendations impacting the Air National Guard are generally accepted by the Commission then sites, equipment, and personnel will be locked on a course and schedule by statute. The Chief, National Guard Bureau working with the Adjutants General will no longer be able to position people and resources to best meet homeland security needs and our role as an operational force supporting the Air Force in the Global War on Terrorism.

As I stated in my letter of July 25, 2005, "the Adjutants General believe the proposed recommended actions are beyond the scope of the Base Closure Act and it would therefore be improper for the BRAC Commission to include these actions in its recommendations to the President and to the Congress." Our position has not changed. We are offering alternative recommendations that will permit the Commission to act within the proper scope of BRAC.

My fellow Adjutants General and I hope the recommendations and data provided is helpful in your deliberations. We will be standing by to provide additional support that might be needed to implement our recommendations.

Sincerely,

Roger P. Lempke
Major General
President, AGAUS

2 Attachments:
AGAUS Recommendations
Tab Summary

cc: NGAUS (BG (Ret) Koper)
CNGB (LTG Blum)
ANG/CF (LtGen James)
AF/XP (LtGen Wood)

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TAB A

AGAUS

PRINCIPLES FOR ANG TRANSFORMATION

1. Background.

a. Responding to future reductions in United States Air Force (USAF) weapons systems and an increasing emphasis on UAV, Space, and C2ISR capabilities, the Air National Guard (ANG) Directorate of the National Guard Bureau (NGB) initiated a strategy to transform the Air National Guard in order to maintain relevance in future Air Force missions. This strategy is known as Vanguard. Each state, territory, and the District of Columbia (DC) was contacted by the ANG Directorate to develop their specific plan for transforming their ANG units to new missions or aircraft based on USAF forecasts. Planning guidelines were developed within USAF criteria to ensure every plan included a flying mission for each state, territory, and DC (if one was already present) as well as the transformation of units to evolving missions.

b. The states, territories, and DC were briefed individually on the results of the planning process for their specific units. These results were received with mixed reviews. Some ANG units perceived the plan as favorable while other ANG units perceived as seriously unfavorable. There were grave concerns when the plans included losing flying missions which could result in loss of an Air National Guard presence in a state.

c. At the 126th annual National Guard Association of the United States (NGAUS) Conference held 13 through 16 September 2004 in Las Vegas, Nevada, the Adjutants General Association of the United States (AGAUS) met to discuss their concerns with the Vanguard strategy as developed by the ANG Directorate. A consensus decision was made to develop a set of AGAUS supported principles to supplement and guide the ANG Directorate Vanguard strategy. The AGAUS supported principles would set the baseline parameters and yet allow the Vanguard Strategy to take advantage of ANG core competencies and a world transformed from a Cold War to a Global War on Terrorism (GWOT).

2. Charter.

a. The AGAUS ANG Modernization and Force Structure Committees were tasked at the NGAUS conference to charter an AGAUS Transformation Working Group that would develop transformational principles to be applied to the ANG Directorate's Vanguard strategy. The AGAUS principles will leverage the strengths of the ANG, Homeland Security mission coverage, new technology, and emerging missions to provide relevant and economical combat capability that directly supports Air Force Strategic Planning Directive objectives and the CONOPS described therein. The principles must allow for an active duty USAF force mix which can immediately meet known and future threats with either component and should be based on the strengths of that component.

b. The AGAUS Transformation Working Group will meet with representatives of the ANG Directorate to develop background for planning from the forecast weapons systems procurement and retirement schedules. The Working Group will construct a report that contain the core principles which guide and enable recommendations for a future force structure for the ANG. The principles must enable transformation and not limit the total force capabilities to support the United States, the USAF, and the ANG AEF requirements.

c. A status briefing will be conducted by the AGAUS Transformation Working Group co-chairs at the 24 October 2004 AGAUS meeting at the NGAUS Memorial Building in Washington, DC. This status report should include an update to the AGAUS membership concerning team composition, meetings held, criteria used to determine force mix, current force structure in the active, guard, and reserve weapons systems, and initial recommendations. Any guidance required from AGAUS should be requested at this status briefing.

3. Working Group Composition.

a. Maj Gen Michael Haugen, TAG, North Dakota, Co-Chair
b. Maj Gen Mason Whitney, TAG, Colorado, Co-Chair
c Maj Gen Roger Lempke, TAG, Nebraska
d. Maj Gen Fred Sloan, ACC ANG Assistant, Wisconsin
e. Brig Gen Rex Tanberg, Montana
f. Brig Gen Ken Clark, AMC ANG Assistant, New Hampshire
g. Brig Gen Ken Heaton, Michigan
h. Brig Gen Rick Green, Ohio
i. Brig Gen Bob Ireton, Oklahoma
j. Brig Gen Bill Etter, Vermont
k. Brig Gen Doug Pierce, Iowa
l. Brig Gen James Cunningham, Oregon
m. Col Rick Utecht, North Dakota

4. Recommended Course of Action (COA)

Whereas, the Air National Guard continues to sustain the highest continuous operations and personnel tempo since WWII, and desires to continue to maintain skilled personnel dedicated to our militia heritage while simultaneously meeting the transformational challenges required to remain an essential total force partner, it is therefore recommended that the attached core principles be adopted.

TAB A

As unanimously adopted by the Adjutants General of the 54 States and Territories, it is resolved that the following core principles govern the implementation of Air National Guard and United States Air Force transformation strategy:

1. Retain our Militia basing concept (dispersed in communities).
2. USAF to build upon the cost efficiencies, capabilities and community support of the ANG by assuring the continued missioning of all existing ANG flying units (fighters, tankers, airlift, etc.) as part of a future total force structure in which ANG contributions constitute an expanded proportion of all AF missions. Each state assigned force structure with AEF capabilities (aviation/ECS).
3. Each state assigned a baseline homeland defense force that at a minimum includes CE, Medical, and Security Forces.
4. ANG maintains essential and proportional share of flying missions (fighters, tankers, airlift, etc.).
5. USAF to collaborate with the ANG and states through AGAUS on new and emerging missions.

TAB B

Summary of Issues by Major Areas

I. Introduction

Analysis of the Air Force's recommendations to the BRAC Commission regarding the Air National Guard (ANG) reveals numerous questions, issues, and concerns. These include the following: inaccuracies in the Air Force's assessment of ANG bases' military value; poor coordination with losing and gaining states and the Department of Homeland Security; failure to consider the impact of recommendations on Homeland Security response capabilities; overstating potential savings to the Air Force based on vague survey instructions, inaccurate modeling and outdated data; and a troubling lack of coordination with the state Adjutant Generals. The legality of the process is also questionable because the recommendations speak to programmatic plans for the Air Force rather than dealing with the intent and criteria of the BRAC legislation.

II. Deviations from Military Value Criteria

In the Air Force's analysis of each base's military value, a Military Compatibility Index (MCI) was created to measure the military value of units. 33 states reported inaccuracies in the data used to determine the MCI for bases in their states. These inaccuracies ranged from serious ones that would result in dramatic shifts in a base's ranking to more minor ones caused by varied interpretations of what was being asked in the questions used to gather MCI information. Critically, there was no opportunity to update data that was gathered in 2003 when significant changes occurred at an installation. Given the degree to which MCI rankings determined the Air Force's proposed realignments and closures, such a failure led to questionable decisions that did not meet the goal of retaining bases with the highest military value. In addition, when the original data was collected, it was not reviewed and validated for accuracy with the unit affected. For that reason, units responded using varied internal understandings and criteria that did not always present appropriate data for comparison. Ultimately, by failing to establish clearer channels of communication with Guard units when data was gathered, the MCI rankings for Guard installations were often inaccurate and provided a poor basis for making infrastructure decisions.

III. Unit Readiness Impacts

Non-aircraft unit moves were planned with little or no coordination among the states gaining or receiving the units. No consideration was given to the impact of unit moves on homeland security missions or mission capability. Critically, no consideration was given to the expected loss of experienced Guard personnel and the need to train replacement personnel because the Air Force used an Active Duty model that did not account for the fact that Guard personnel do not necessarily PCS (Permanent Change of Station) when their aircraft move. In reality, the majority of Guard personnel will not follow their aircraft, which means there will be a serious loss in operating capability as units receiving

additional aircraft must recruit and train new personnel for the existing missions. None of the factors that might help predict the decline in mission readiness -- ANG mission capability rates, deployment percentages, and combat hours flown in recent and current missions -- were considered when moves were proposed.

IV. Inaccurate Assessment of Homeland Security Needs

The second military value criteria makes specific mention of the need to provide staging areas for homeland security missions. The Air Forces's evaluation does not appear to have considered the homeland security needs of each state. In addition, there was no effort to determine what was expected or required in each FEMA region. Several regions would be left with no coverage by aircraft that would be needed for homeland defense or a natural disaster.

V. Inaccurate Savings Calculations

Savings were calculated by the Air Force COBRA model based upon an active duty modeling scenario (Permanent Change of Station). The assumption is that unit members would be moved, or would commute to the base receiving aircraft. This assumption is inaccurate for Guard personnel who do not follow aircraft, particularly when the aircraft would be moved long distances. When the correct assumption is used, much higher costs are incurred from moving Guard aircraft as it will be necessary to recruit and train new members. None of this is captured in the COBRA model.

Additionally, the model calculated that lost positions would translate into direct savings on a net-present value basis. This is also an incorrect assumption since only Congress can authorize end-strength reductions in the ANG. In addition, the Air Force has indicated that they do not plan an end-strength reduction for the Guard. For that reason, the personnel positions would be fully funded and cannot be considered savings. There are also added re-training costs because the Air Force has indicated it plans to utilize Guard personnel for emerging missions. In the COBRA model, training costs were ignored for both the lost skills due to personnel not moving with aircraft and the additional training costs for emerging missions. Positions were counted as savings, but they will actually be re-distributed to new missions.

The July 2005 GAO report, *Military Bases, Analysis of DOD's 2005 Selection Process and Recommendations for base Closures and Realignments*, contains statements that bring the Department of Defense and Air Force processes, assumptions and conclusions into question. For example, the report states (page 4), "...there are clear limitations associated with DOD's projection of nearly $50 billion in savings over a 20-year period. Much of the projected net annual recurring saving (47%) is associated with eliminating jobs currently held by military personnel. However, rather than reducing end-strength levels, DOD indicates the positions are expected to be reassigned to other areas..."

Later, the report states (p. 124), " ... claiming such personnel as BRAC savings without reducing end strength does not provide dollar savings that can be reapplied outside personnel accounts and could result in the Air Force having to find other sources of funding for up-from investment costs needed to implement its BRAC recommendations."

Finally, to underscore the apparent deficiencies in the stated savings, the report states (p. 6), "...Air Force recommendations may warrant additional attention by the BRAC Commission."

Additionally, the COBRA model has no ability to calculate "traditional" or weekend drilling members correctly. Only the small portion of Guard personnel who are in Active Duty status are factored into COBRA. This failure leads to a significant under-representation of the impact of given BRAC actions on trained and experienced Guard personnel and on the local economy.

Last, the cost effectiveness of the ANG was not considered in any of the analysis. The ANG provides capability at a lower cost than the Active Duty Air Force in part because it operates its installations differently. For example, the co-location of most Guard units on civilian airports provides cost-sharing and surge capacity that was not considered in any of the models.

VI. Enclave Basing

For bases that are significantly realigned by removing all aircraft from the base, enclave bases were proposed. The viability of this concept, developed late in the Air Force's BRAC process, remains in question. Consideration of the enclave proposal reveals three major problems: first, enclave bases would circumvent the BRAC process; second, enclave bases would fail to meet the homeland security needs of governors, and third, enclave bases would negatively impact recruiting and retention due in part to the loss of aircraft. The mission requirements and rationale for enclave bases has not been adequately developed at this point.

VII. Lack of TAG involvement

State Adjutant General input or support was not included in the evaluation of current and expected state/homeland security mission requirements, the consideration of the impact on current federal mission support, nor when determining the impact of proposed base closures or realignments on Guard functioning. This meant data was often inaccurate or incomplete, models were flawed, and critical security issues faced on the state level were ignored. The end result was that the Air Force made incorrect assumptions and flawed recommendations.

VIII. Legality of BRAC Process

After analyzing relevant statutes and authorities, the recommendations submitted by the Secretary of Defense dealing with the Air National Guard raise at least three serious legal issues.

First, the recommendations envision actions not requiring Commission consideration or approval[1] in the following three areas: assignment of specific equipment such as aircraft to specific locations (programmatic); retirement of specific equipment (programmatic);

[1] *See* 10 U.S.C. § 2687(a)(e); Defense Base Closure and Realignment Act 1990, as amended.

and realignment or closure of installation with less then 300 authorized civilian employees. By using the Commission to deal with these matters a serious complicating factor would be created for any future Department of Defense programmatic changes. Further realignment or reassignment of the functions or assets moved using the BRAC process would need to be accomplished by the same process, by legislation, or by Presidential certification. This would hamper future Department of Defense flexibility in those programmatic areas.

Second, some of the recommendations directly conflict with statutes enacted to implement the militia clause of the Constitution.[2] Those statutes make it clear that repositioning of National Guard units must be accomplished with the consent of the Governor.[3]

Third, some of the recommendations create a conflict with other specific statutes, e.g. retirement of certain aircraft.[4]

Overall, the recommendations appear to be an attempt to misuse or overuse the BRAC process to accomplish changes that otherwise could be accomplished. The recommendations also appear to be an attempt to bypass specific Congressional decisions on retirement of equipment and an attempt to bypass Congressional mandates implementing the militia clause of the U.S. Constitution

This analysis is further supported by the BRAC Commission's legal analyst. Deputy General Counsel to the BRAC Commission, Mr. Dan Cowhig, issued a memorandum, dated 14 July 2005, on the legal and policy considerations related to the BRAC recommendations. In his memorandum, Mr. Cowhig pointed out the purpose of the BRAC legislation ('to provide a fair process that will result in the timely closure and realignment of military installations inside the United States.') and the limits on the authority given to the BRAC Commission ("The Base Closure Act does not grant the Commission the authority to change how a unit is equipped or organized."). That analysis is strongly supported by the Adjutants General who believe that Air Force recommendations for the Air Guard substantially deviated from the BRAC selection criteria and the intent of the law.

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[2] Art. I, Section 8.
[3] *See* 32 U.S.C. § 104(a)(c).
[4] Public Law No. 108-375, Div. A., Title I, Subtitle D, § 131.

IX. Conclusions

- The MCI rankings incorrectly identify the military value of many installations due to inaccuracies in the data used. Material changes were not updated and re-evaluated; this is a significant process deficiency for installations that incurred major changes in infrastructure.
- Installations gaining aircraft/missions will have lower unit readiness until new members are recruited and trained. This will also lower readiness for current missions and operations while units are migrating to the new bases. For aircrews and other technical positions, operational readiness could easily be impacted for two years or more.
- The current BRAC process of evaluating Air National Guard units was not a collaborative activity between the Air Force, ANG, and States. Gaps in planned emergency support for FEMA regions have been created due to the lack of consideration of homeland security needs in the planning process.
- Cost models overestimated savings and greatly underestimated costs. The models used to calculate savings were wholly inaccurate in evaluating Guard personnel as they were based on Active Duty scenario modeling. The cost effectiveness of ANG units was not factored into calculations, nor was the training costs expected from planned aircraft moves.
- The creation of enclave bases would create a host of problems ranging from airports losing their FAA ratings, difficulty recruiting, lower mission capability, an increased likelihood of future closure, and the inappropriate use of the BRAC process as a programmatic tool for aircraft basing.
- The Air Force does not appear to have properly understood the efficiency, effectiveness, role of community / state support, and the homeland security priorities related to Guard bases. The community basing process was categorized negatively in MCI calculations and efficiency ratings because of a failure to credit cost saving operating procedures (like locating on civilian airfields) and access to civilian facilities in surge situations. Large Air Force bases with excess and unused capacity scored high in the models, even though the purpose of BRAC is to reduce excess and unused capacity.
- The recommendations relating to the Air Guard may not be legal for a variety of reasons and do not appear to meet the intent or final selection criteria of the BRAC law.

TAB C

The Role of the National Guard in National Defense and Homeland Security

To understand the role of the National Guard in national defense and homeland security, one must understand the constitutional and statutory provisions governing use of military force by the federal and state governments. Governors must also have a clear understanding of current and evolving national defense and homeland security strategies and the organizational structure, funding sources and operational capabilities of today's Army and Air National Guard. During the Cold War, elected officials were often veterans or active reserve component members whose personal experiences helped shape their understanding of these issues. Today, few public officials are reservists or veterans. It's important, therefore, that Governors understand their responsibilities as commanders-in-chief and that they be able to articulate the vital role of the National Guard in national defense and homeland security. This primer addresses these important constitutional and policy issues.

Use of Military Force in Defense and Security of the United States

Formation of the militias predates the founding of our country. The Massachusetts National Guard traces its linage to the first regiments established by the General Court of the Massachusetts Bay Colony in 1636. Each of the states, the U.S. territories and the District of Columbia (referred to herein as "the states") have equally rich histories.[5] Militia units patterned after the English militia system were common throughout the colonies and played a central role in our fight for independence. They also assured the security of new states as the nation expanded westward. Because of this role in the birth and expansion of our nation, the right of the states to raise, maintain and employ their own military forces (known since 1824 as the "National Guard") is guaranteed by the US Constitution and the constitutions and statutes of the several states.

As a unique state-based military force (albeit largely funded by the federal government and trained in accordance with federal standards), the National Guard is the only military force shared by the states and the federal government. It is a ready and reliable force accessible to the states for both state and combined state and federal purposes *and* to the federal government for federal purposes.

State Active Duty

States are free to employ their National Guard forces under state control for state purposes and at state expense as provided in the state's constitution and statutes. In doing so, Governors, as commanders-in-chief, can directly access and utilize the Guard's federally assigned aircraft, vehicles and other equipment so long as the federal government is reimbursed for the use of fungible equipment and supplies such as fuel, food stocks, etc. This is the authority under which Governors activate and deploy National Guard forces in response to floods, earthquakes, wild fires and other natural disasters. It is also the authority under which governors deploy National Guard forces in

[5] Benjamin Franklin founded the Pennsylvania National Guard when he formed the Associators in Philadelphia in 1747. In 1755, the colonial assembly passed Pennsylvania's first militia law. The year 2005 is the 250th Anniversary of Pennsylvania's first militia law.

response to man-made emergencies such as riots (e.g., World Trade Organization meeting, Seattle, 1999), civil unrest (e.g., World Bank meeting, District of Columbia, 2000) and terrorist attacks (e.g., World Trade Center attacks, New York City, September 11, 2001). Unlike active duty and federal military reserve forces such as the Army and Air Force Reserves, all National Guard personnel and equipment (or so much thereof as are not already "federalized") are directly accessible to the Governor in state or local emergencies and as otherwise provided by state law. Such service is performed in accordance with state law; National Guard members performing duty at the call of the Governor are therefore said to be in "State Active Duty status", meaning, among other things, that command and control rests solely with the Governor and the state or territorial government.[6] Execution of state active duty missions is accomplished by delegation of authority from the Governor to the Adjutant General.

Title 32 Duty

Article 1, Section 8 of the U.S. Constitution (the Militia Clause) also authorizes use of the National Guard under continuing state control but in the service of the federal government to "execute the laws of the Union, suppress insurrections and repel invasions". These provisions are unique to the National Guard and are the authority by which Governors answered the President's request for deployment of National Guard forces to our nation's airports following the terrorist attacks of September 11, 2001. State controlled National Guard forces were deployed by Governors at federal expense and in compliance with prescribed federal operational standards to assure aerial port security and compliance with federal interstate commerce and aviation laws. Unlike subsequent border security missions (described below), National Guard forces mobilized within hours and promptly deployed to airports where they remained under state control for the duration of the 6-month airport security mission. These arrangements preserved state-level management of National Guard personnel and assured maximum flexibility for responding to other unforeseen or emerging state and federal requirements. These and similar domestic military missions have been performed by the National Guard at various times since September 11, 2001 under the authority of Title 32 United States Code (USC); National Guard members performing such duty are therefore commonly said to be serving in "Title 32 duty status", meaning, among other things, that command and control remains with the Governor and the state or territorial government even though the Guard forces are being employed "in the service of the United States" for a primary federal purpose.

Notwithstanding clear Constitutional authority for these arrangements (state control of Guard operations having a primary federal purpose or a shared state-federal purpose), questions were raised about the *statutory* authority for Title 32 domestic operations. Statutory authority for National Guard training at federal expense is clear. The argument, however, was that 32 USC 502(f), which authorizes use of the National Guard at federal expense but under continuing state control for "training or other duty", was intended to authorize "training" only, as opposed to domestic "*operations*". Recent enactment of 32 USC 901 *et. seq.*, resolves any such ambiguity by authorizing the Secretary of Defense to "provide funds to a Governor to employ National Guard units or members to conduct

[6] In Pennsylvania, National Guard soldiers/airmen on state active duty for emergencies have, among other things, limited police powers, and they are included within the definition of the "peace officer" in the Crimes Code.

homeland defense activities that the Secretary determines to be necessary and appropriate." (32 USC 902).

The statute defines "homeland defense activities" as activities "undertaken for the military protection of the territory or domestic population of the United States, or of the infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States." (32 USC 901(1)). The Secretary of Defense may request domestic use of National Guard forces and fund such operations (as was done with the Governors' support for airport security in 2001-2002). "A Governor of a State may [also] request funding assistance for the homeland defense activities of the National Guard of [their] State." (32 USC 906). The Adjutants General Association of the United States (AGAUS) is coordinating with the Assistant Secretary of Defense for Homeland Defense in the development of implementing regulations. 32 USC 901 *et.seq.* therefore authorizes use of the National Guard under continuing state control but at federal expense, when approved by the Secretary of Defense, for a wide variety of operations, including, when appropriate, protection of oil refineries, nuclear power plants and other critical infrastructure.

Title 10 Duty

The War Powers Clause of the U.S. Constitution grants the federal government plenary authority to raise military forces and to employ such forces, including mobilized (sometimes referred to as "federalized") National Guard units, under federal control and at federal expense for national defense purposes. This is the authority under which the federal government mobilizes and deploys National Guard units and personnel for combat, combat support and combat service support missions at home and throughout the world. Such service is performed under the authority of Title 10 USC; service members performing such duty are therefore commonly said to be in "Title 10 duty status", meaning, among other things, that command and control rests solely with the President and the federal government.

Since the Army, Navy, Air Force, Marine and Coast Guard Reserves, like their active duty counterparts, are federal military forces wholly controlled by the federal government, they are *not* directly accessible by governors and duty performed by such personnel is always in "Title 10 status". When performed within the United States, Title 10 duty (including Title 10 duty performed by National Guard personnel) is subject to a number of legal restrictions, including provisions of the Posse Comitatus Act (18 USC 1385) which severely limits the use of federal military forces in support of domestic law enforcement operations.

When employed at home or abroad in Title 10 status, National Guard forces are stripped of all state control and become indistinguishable elements of the federal military force. This was the authority used by the federal government to mobilize and deploy National Guard forces to augment federal law enforcement agencies at the Canadian and Mexican borders in the spring and summer of 2002. In stark contrast to the speed and efficiency with which Governors deployed National Guard troops to our airports (more than 450 airports were secured within a matter of hours or days), it took more than six (6) months for the Department of Defense to agree to a Memorandum of Understanding with the

U.S. Border Patrol and increased security at our nation's borders was delayed until these negotiations and legal arrangements had been finalized.

Duty Statuses Summarized

As explained above, federal and state constitutions and statutes provide the primary authority for use of military force by the federal and state governments. These provisions, in so far as they apply to the National Guard, reflect the constitutional balance of power between the sovereign states and the central federal government. National Guard forces are unique among all other military components in that they may be used in one of three legally distinct ways:

(1) by the Governor for a state purpose authorized by state law (State Active Duty); or
(2) by the Governor, with the concurrence of the President or the President's designee (e.g., the Secretary of Defense), for shared state/federal purposes or for a primary federal purpose (Title 32 Duty); or
(3) by the President for a federal purpose authorized by federal law (Title 10 duty).

When in State Active Duty or Title 32 status, National Guard forces remain under the operational, tactical and administrative control of the Governor and the state government. This authority is reposed in the Governor, as commander-in-chief, and executed by the Adjutant General, as the state's senior military commander. By contrast, Title 10 military forces (active duty, reserve and "federalized" National Guard forces) are under the exclusive control of the President and the federal government and are beyond the access, control or supervision of the Governor even when operating within his or her state.

Each of these operational statuses carries significant operational, fiscal, force management and legal advantages or disadvantages that call for conscious decisions about how the National Guard should be employed domestically. Use of the National Guard under state control (e.g., Title 32) for domestic missions always protects vital state interests and nearly always maximizes attainment of national defense *and* homeland security objectives as well. Regrettably, these considerations are not always understood or taken into account by federal authorities. The National Governors Association (NGA) has therefore adopted the following position:

"Governors believe when the National Guard members perform domestic missions they should do so in Title 32 USC status rather than Title 10 USC status, unless the President has called them in Title 10 for a federal mission requiring federal troops, such as to repel an invasion. In Title 32 status, National Guard members can continue to train with their regular units and in times of federal mobilization these Guard members are available to deploy with their units. ..The Governors further note that Title 32 status for domestic deployments avoids all *posse comitatus* issues." (NGA HR-6, *Army and Air National Guard Policy*, most recently adopted effective Winter Meeting 2003 – Winter Meeting 2005).

TAB C

Past and Emerging National Defense and Homeland Security Strategies

One of the first things the central federal government did upon attaining independence from England was form a standing army to supplement the war-tested organized militias. The founding fathers thought the United States needed a standing army to take our rightful place among the nations of the world. The full-time force was relatively small, however, and national defense strategy continued to rely heavily on the states' military forces. State militias were used to expand the size of the federal force in times of peril. They were then demobilized at the conclusion of each foreign engagement. This reliance on state military forces remained a central tenet of our national defense strategy until the dawn of the nuclear age. At the end of WW II, in reaction to the Soviet Union's expansionist ideology and growing nuclear arsenal, we maintained a large standing military force for the first time in our nation's history and deployed that force throughout the world to "contain" the Soviet Union and its allies.

Today's National Guard force structure and the federal statutes and regulations governing use of the Guard are largely a product of these Cold War defense strategies. Although the federal government funded the National Guard throughout the Cold War, the Guard had "hand-me-down" equipment and was resourced at a lower tier of readiness, the assumption being that large, forward deployed active duty forces could initiate and sustain combat operations for a long period of time permitting months or even years for "strategic" Guard and reserve forces to be properly equipped, trained, certified, mobilized and eventually deployed.

TAB C

State Laws re: Use of the Guard

Many 1940's and 1950's-era state military statutes reflect a similar view of the Guard as a "strategic" reserve or a later responding "reaction" force. Many state statutes, for example, allow the Governor to activate the Guard only in response to a disaster that has already occurred or a life safety threat that is "imminent". These statutes prevent the Governor from using the Guard to plan, train and exercise with other emergency responders, conduct critical infrastructure vulnerability assessments or otherwise draw upon National Guard skills that materially advance the state's terrorism *prevention* strategies.

Nearly half of all National Guard members have performed overseas combat duty in the past three years. They have unique skills that are in short supply in the civilian community. National Guard members who have been deeply involved in foreign port security operations, for example, can contribute significantly to domestic port security vulnerability assessments and help construct critical infrastructure and key asset protection plans for state and local governments. If these activities are undertaken in State Active Duty status, they can be funded with Department of Homeland Security grant monies. Under many existing state laws, however, governors are unable to access National Guard subject matter experts in the absence of specific actionable intelligence rising to the level of an "imminent" domestic threat.

States have begun addressing these self-imposed restrictions by advancing agency-request or Governor-request legislation that authorizes the Governor to activate National Guard units or individual subject matter experts for planning, training, exercising and other disaster prevention purposes.

Total Force Policy

The presence of large active duty forces allowed the U.S. to engage in a strategy of global engagement after WWII, including combat operations in Korea and, later, Viet Nam, with marginal use of National Guard and reserve forces. Against the advice of military leaders, President Johnson prosecuted the Vietnam conflict with career active duty personnel and draftees rather than mobilizing Guard or reserve units.

As the Vietnam conflict dragged on, public support for the war effort eroded. When the conflict ended, federal authorities adopted the Total Force Policy (also known as the "Abrams Doctrine"), a policy that rebalanced and reapportioned combat, combat support and combat service support resources from active duty services to the National Guard and federal reserve components. The reallocation of resources was intended to assure that Guard and reserve forces would have to be used from the early stages of any future conflict, thereby prompting a national discussion about whether to initiate the foreign military engagement in the first place. A secondary reason for the policy shift was to take advantage of the cost savings inherent in the Guard and reserves. Unlike active duty counterparts, National Guard members are compensated only when actually performing military duty. Their fringe benefits and eventual retirement allowances are also substantially less than full-time active duty personnel. The rebalancing of military force structure to more cost efficient Guard and reserve components has allowed the United

States to maintain global reach and global power for the past three decades at a cost of no more than 3 to 4% of our gross domestic product.

"Total Force" Funding and Equipping

The Total Force Policy was especially important following dissolution of the Soviet Union and the reunification of Germany in the early 1900's. When the Cold War ended, the federal government downsized each of the active duty services by 50 to 60%. The result was a reversion to our historic reliance on the National Guard and reserves.

Following adoption of the Total Force policy in the late 1970's, the Air Force began integrating the Air National Guard (ANG) into Air Force operations and funding the ANG at close to 100% of validated Air Force staffing and equipment requirements. These actions transformed the ANG from a strategic reserve to a combat ready and combat-tested operational reserve force. With Air Force funding for full-time manning, equipment, facilities, planning, training and exercising on par with active duty units, the ANG has become a force that responds in hours to federal or state mission requirements. Inclusion in the Total Force also buoyed ANG morale, resulting in the Air Force being able to meet all mission requirements without having to involuntarily mobilize ANG personnel.

Until the beginning of the recent Global War on Terrorism, the Total Force Policy unfortunately failed to spark a comparable level of Army support for the Army National Guard (ARNG). Throughout most of the period described above, ARNG full-time staffing has remained mired at 55% or less of the Army's validated full-time staffing requirements. Until the just-in-time fielding of equipment for ARNG units deploying to Afghanistan and Iraq, modern equipment also continued to be disproportionately allocated to active duty forces, resulting in ARNG units remaining equipped with older, hand-me-down equipment that is not interoperable with active duty units.

The Army also remains wed to time consuming WWII-era force mobilization processes that require months for Army National Guard units to mobilize, re-train, certify and eventually deploy. The impact on the states and on national homeland security is that while Air National Guard units are pre-trained, pre-certified, mobilized and deployed in a matter of hours or days (thereby making them available more often and for longer periods for state missions), Army National Guard units are forced to adhere to the Army's protracted "train, mobilize, re-train, certify and deploy" process which usually requires 18 months of Title 10 federal service to produce 12 months or less of actual overseas duty. During this 18 month period, affected ARNG personnel and equipment are no longer accessible to the Governor and no longer available for state emergencies.

As ARNG units complete their current overseas missions and leave equipment behind for the follow-on forces, many of our units are returning to state control with unresolved equipment shortfalls and often with a substantially degraded capacity for responding to state missions. These and other equipment, staffing and funding challenges require leadership and continued vigilance on the part of Governors and their Adjutants General

TAB C

Total Force Policy and Transnational Terrorism

Transnational terrorism makes our militia-nation construct and the core tenets of the Total Force Policy more relevant and more essential than ever before. The American homeland is now part of a global battle space and, with the proliferation of weapons of mass destruction, could easily become the epicenter of that battle space, exposing citizens to chemical, biological, radiological, nuclear or conventional high-yield explosive attacks. In this unprecedented lethal threat environment, national defense and homeland security are a shared responsibility of the federal government and the several states. Bright lines between national defense and homeland security and bright lines between federal and state responsibilities and capabilities produce unintended gaps and unacceptable risks.

State constitutions and statutes give Governors emergency powers that are often more extensive and more responsive than the emergency powers of the President. Under the aegis of the national Emergency Management Assistance Compact (EMAC), 48 of 50 Governors can support one another with immediate state-to-state emergency assistance. The Governors' ability to directly task ANG unit equipped C-130s, KC-135s and other tactical airlift aircraft and related equipment is critical to the states' collective ability to respond to local, regional and national emergencies. These aircraft have proven crucial in intra-state and interstate responses to disasters ranging from hurricanes to terrorist attacks.

Just as National Guard personnel can be directly accessed by Governors and the President alike in times of national peril, so too unit equipped National Guard aircraft and other unit assigned National Guard equipment can be directly accessed by Governors and the President in times of crisis. When there are conflicting requirements, the power of the President unquestionably prevails under the War Powers clause of the U.S. Constitution. When there is no conflict, however, Governors' direct access to aircraft and other unit equipped materials provides a crucial safety net for individual life safety and for our collective national defense and homeland security. In the near-term aftermath of the September 11, 2001 terrorist attacks, it took more than 6 months for federal agencies directly accountable to the President to reach agreement on emergency support arrangements for the security of our borders. States cannot afford 6 months of wrangling over a federal-state emergency response memorandum when the next disaster strikes. With properly equipped National Guard units, including unit equipped ANG aircraft, Governors can respond to domestic emergencies as circumstances require while preserving the President's ability to carry out all federal requirements.

Although the focus of this primer is on conventional military operations and support to domestic authorities, it should be noted that states are also deeply involved in national defense and homeland security operations through State Partnership Program (SPP) alignments of state military departments with partner nations throughout the world. The State Partnership program was begun by the U.S. State Department, the Department of Defense and the National Guard Bureau as a way of stabilizing U.S. relations with newly independent countries of the former Soviet Union. The Pennsylvania National Guard, for example, was paired with Lithuania, one of the first Republics to gain independence from the Soviet Union. The Illinois National Guard was paired with Poland, Alabama with Romania, and so on. The program proved so successful that it was expanded to central

Asia (e.g., Arizona and Kazakhstan), Central and South America (e.g., Kentucky and Ecuador) and Southeast Asia (e.g., Washington and the Kingdom of Thailand). More recently, state National Guards are being paired with nations in Africa (e.g., North Dakota and Ghana) and the Middle East (e.g., Colorado and Jordan). These partnerships have focused on issues such as emergency responder training, port security and critical infrastructure vulnerability assessments, border security, narco-terrorism strategies, national emergency call center systems and similar initiatives that make these countries more capable of surviving terrorist threats and of increasing the security of outbound passenger and cargo traffic from these countries to aerial and sea ports in the continental U.S.

National Defense and Homeland Security – Separate but Interdependent Policies and Strategies

The National Strategy for Homeland Security calls for shared state and federal accountability for the security of our homeland. As an organization with shared state and federal mission objectives, the National Guard is the perfect fusion agent for synchronizing state and federal defense and homeland security efforts. At the national level, the Department of Defense and Department of Homeland Security still draw bright lines between "defense" and "security" activities. Neither wants to pay for or encroach upon the mission prerogatives of the other.

At the state level, the National Guard straddles the operational, fiscal and mission lanes of these federal agencies and has mission responsibilities under both overarching national strategies. In more than half the states and territories, the Military Department is also responsible for the state's emergency management functions and for administering Department of Homeland Security grants in addition to Department of Defense funding. As a state agency, the Military Department can also place National Guard members on State Active Duty (to the extent permitted by state law) and assign them duties that qualify for reimbursement under Department of Homeland Security (ODP) grants. As the Governor's designated Homeland Security Advisor in many states, the Adjutant General also deals routinely with the Secretary of Homeland Security in addition to civilian and uniformed officials of the Department of Defense.

These National Guard missions and responsibilities add immeasurably to the state's overall domestic security preparedness. They also make the Adjutant General a crucial "go to" official in time of crisis. The Governor expects the Adjutant General to exercise control over all military forces operating within his or her state. This expectation is satisfied when National Guard forces employed within the state are in State Active Duty or Title 32 status. The expectations and requirements are also met when National Guard forces from supporting states are operating within a supported state. In such circumstances, the Adjutant General of the supporting state routinely surrenders command and control of deployed forces to the Adjutant General of the supported state. Such is not the case when Title 10 federal forces are deployed domestically. Active duty commanders historically insist on retaining control over federal forces during domestic emergencies. The Adjutants General believe this policy should be changed.

TAB C

Governor Accountability and Governor Control

Every state now has a National Guard Joint Force Headquarters with liaison officers from the active duty services. The Adjutants General believe Governors should exercise control over all military forces engaged in emergency response and security operations within their state (the focus being on the Governor's control of in-state military *operations*, as opposed to active duty forces simply based in or transiting the state). State control can be maintained by appointment of a National Guard task force commander with combined Title 32/Title 10 authority. 32 USC 325 provides for the appointment of a National Guard officer familiar with the state and local area of operations to command in both a state (Title 32) and federal (Title 10) status thereby assuring a state-federal unity of effort. The dual status appointment requires the authorization of the President and the consent of the Governor. The arrangement was used with great success in 2004 for the G-8 Summit, the Democratic National Convention, the Republican National Convention, and Operation Winter Freeze (a national security event in the northeastern U.S.). Similar unity of effort and control can be achieved without the formality of 32 USC 325 by simply having federal authorities direct Title 10 personnel to operate under the "supervisory authority" of the state's task force commander.

The question is when, not if, the next domestic disaster will occur. The question is also when, not if, federal military forces will be deployed domestically in response to a humanitarian disaster or emergency. The question for Governors is whether they will be bystanders or whether they will control all military forces operating within their state.

Transformation of the ANG and ARNG

Current Air Force BRAC recommendations represent a radical departure from the formerly inclusive integration of ANG units and personnel with Air Force operations. The net result is a harsh repudiation of the Total Force Policy. The Air Force seeks to take assigned aircraft and related equipment away from nearly one-third of all ANG flying units, leaving twenty-nine (29) National Guard flying units without aircraft and several states, for the first time in modern history, without a single ANG flying unit. If approved by the BRAC Commission, KC-135 and C-130 unit equipped aircraft historically used by Governors in responding to domestic emergencies will be under the exclusive control of the active duty Air Force. Fighter aircraft responsible for the air sovereignty of the U.S. will no longer be stationed within meaningful response times to many of our nation's largest population centers. Personnel authorizations for these gutted ANG units will ostensibly remain, at least for a time, but without immediate follow-on missions funding support will quickly evaporate and our nation's most experienced and cost-efficient subject matter experts (pilots and mechanics with thousands of hours of experience in their weapons systems) will predictably leave the service of their state and country. To make matters worse, the Air Force does not project Air National Guard participation in any of their future aircraft systems.

Although the purpose of the BRAC Act is to close or realign excess real estate and improvements that create an unnecessary drain on the resources of the Department of Defense, 83% of the AF recommendations pertain to the most cost-efficient part of its force, the Air National Guard, and the majority of these recommendations have nothing to do with real estate or capital structures. The ANG changes, by the Air Force's own

calculation, would produce very few savings and those savings do not take into account obvious costs. As for homeland security considerations, the Adjutants General can find only 2 out of 1800 BRAC data call questions that were related to homeland defense or homeland security and nether of them were calculated in the Air Force Mission Compatibility Index rating. None of the Air Force actions was revealed to the Adjutants General prior to release of the BRAC recommendations. In fact, the Adjutants General and, by extension, the Governors were intentionally and systematically excluded from the BRAC process.

By contrast, the Army has been striving in the past few years to make the ARNG a more integral and seamless part of the total Army structure. Although funding and resourcing challenges still abound, the Army has conferred with Adjutants General in good faith concerning current and future force structure initiatives. The Adjutants General Association of the United States (AGAUS) has therefore not voiced any criticism or concern about the Army's BRAC recommendations.

TAB C

Conclusion

The United States enters the 21st Century with unresolved questions about what our national defense and homeland security strategies should be. The life safety of our citizens and the future of our nation hang in the balance. Now, as at the founding of our nation, the states and the central federal government must work in harmony to assure our collective safety and security. Governors, as state commanders-in-chief, must take a central role in shaping our national policy on use of military force. The Adjutants General stand ready to assist in this historic endeavor.

Prepared by:

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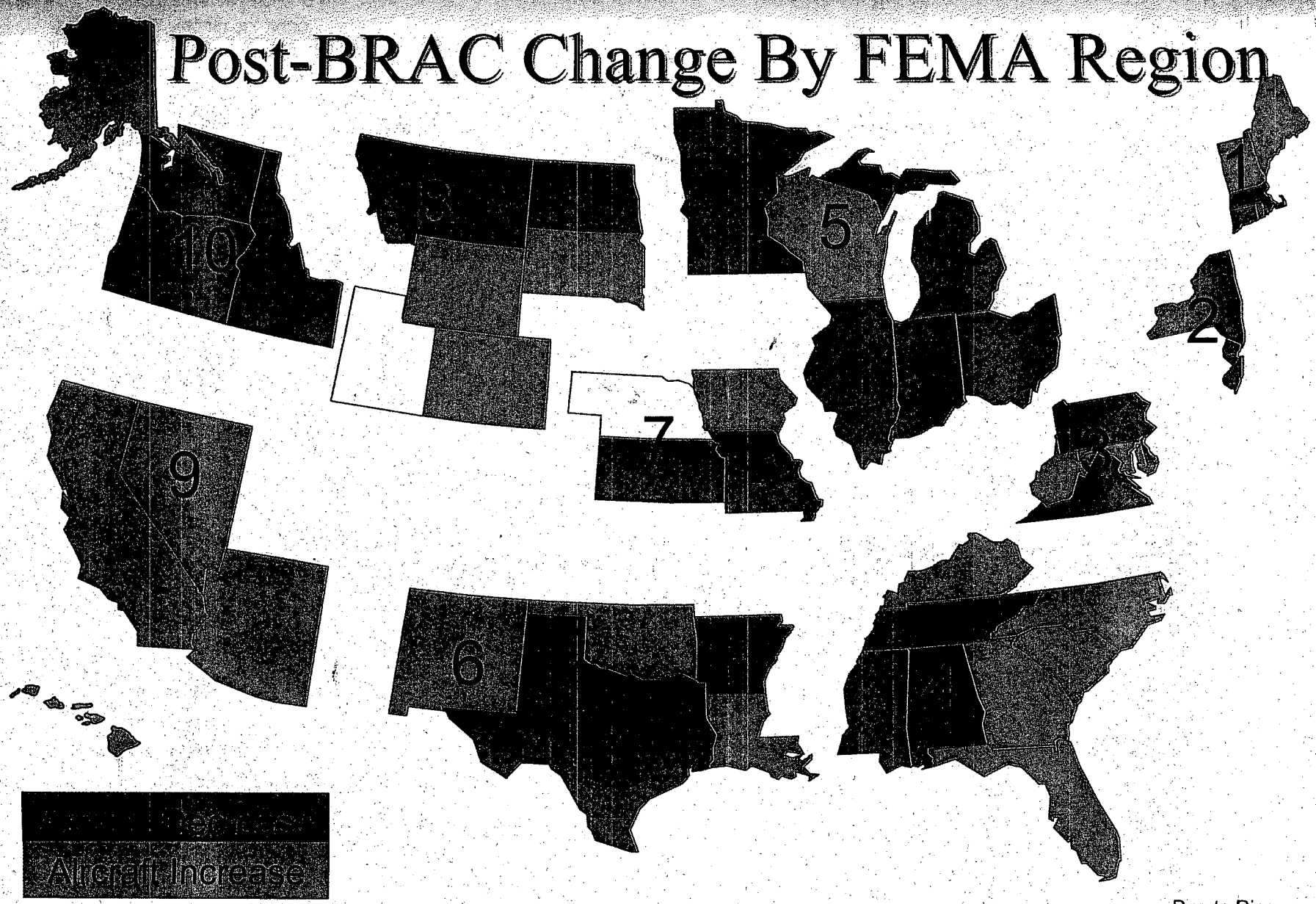
(Pennsylvania specific footnotes added by Department of Military and Veterans Affairs)

Post-BRAC Change By FEMA Region



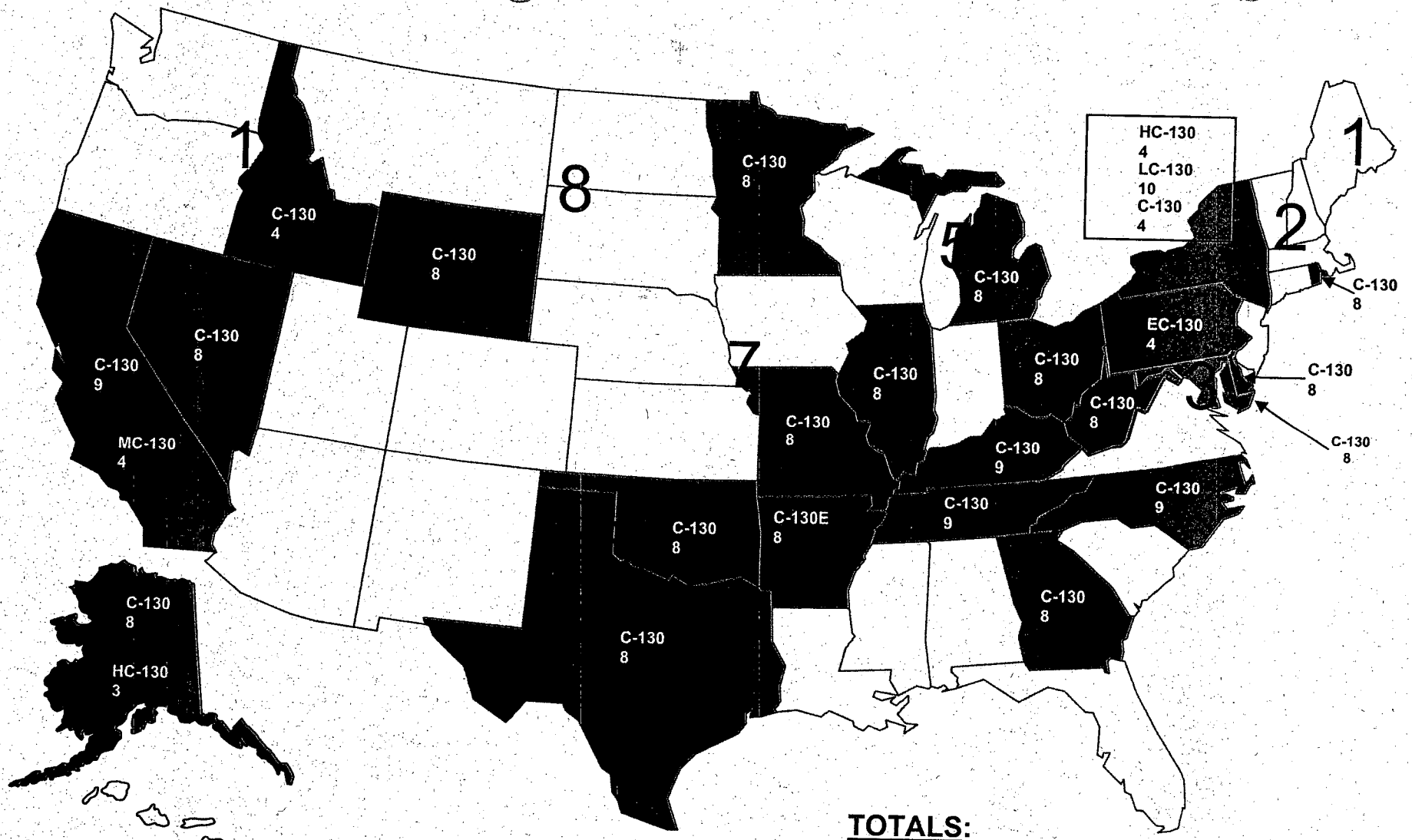
Aircraft Increase

Status Quo

Puerto Rico

Wednesday, August 10, 2005

FEMA Regions Pre-BRAC C-130's

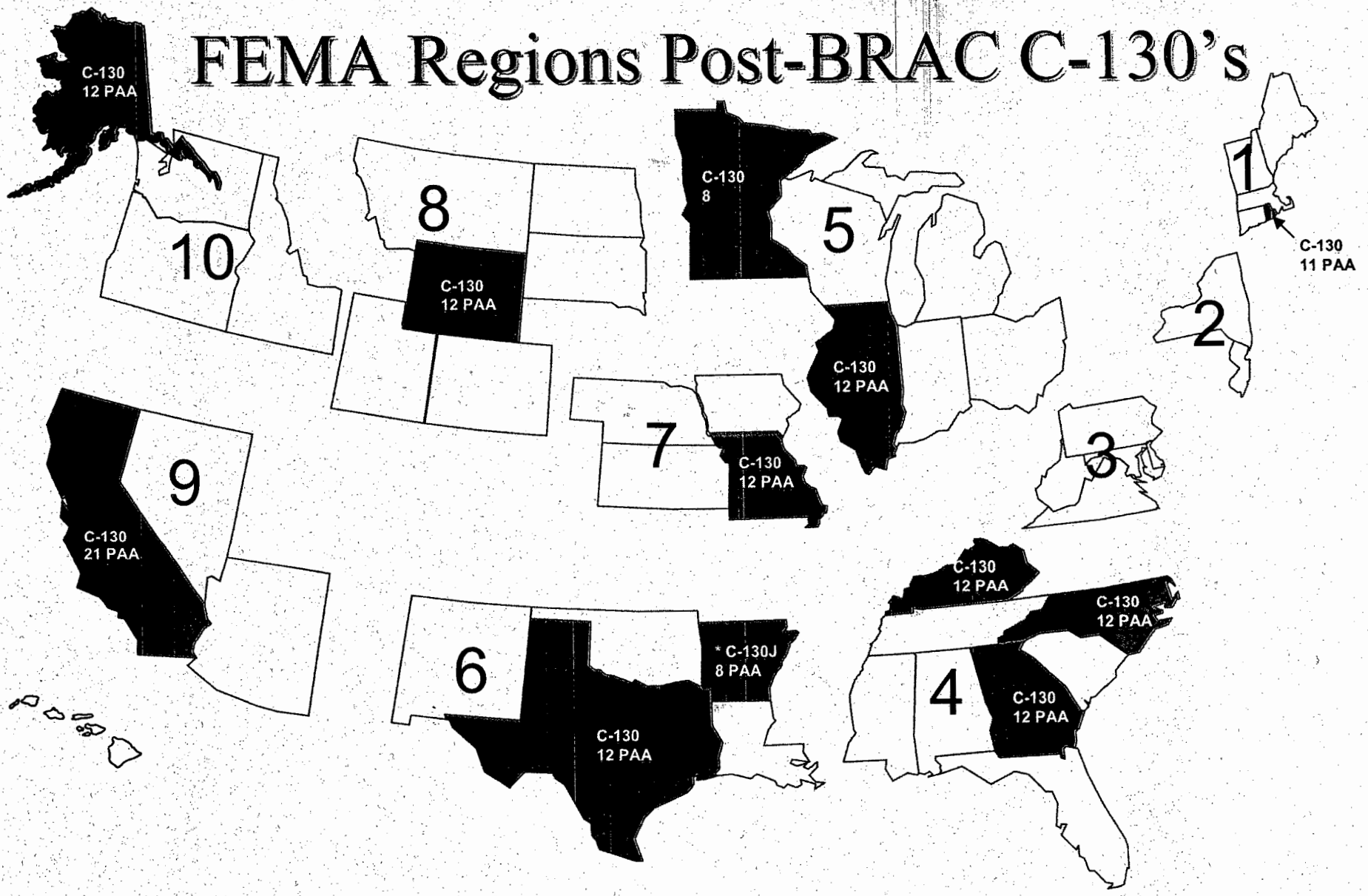


TOTALS:

C-130 263

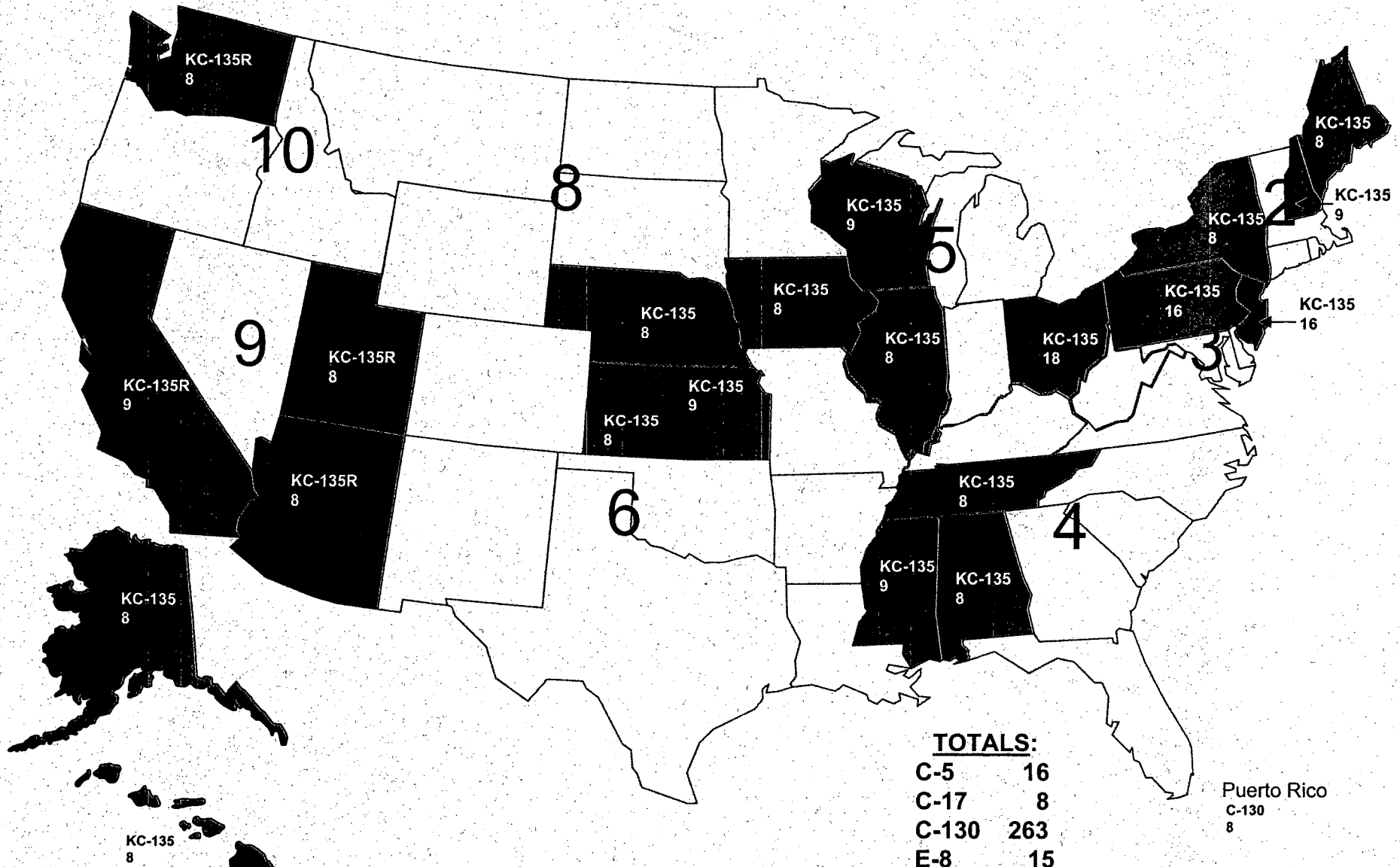
Puerto Rico

FEMA Regions Post-BRAC C-130's



Puerto Rico

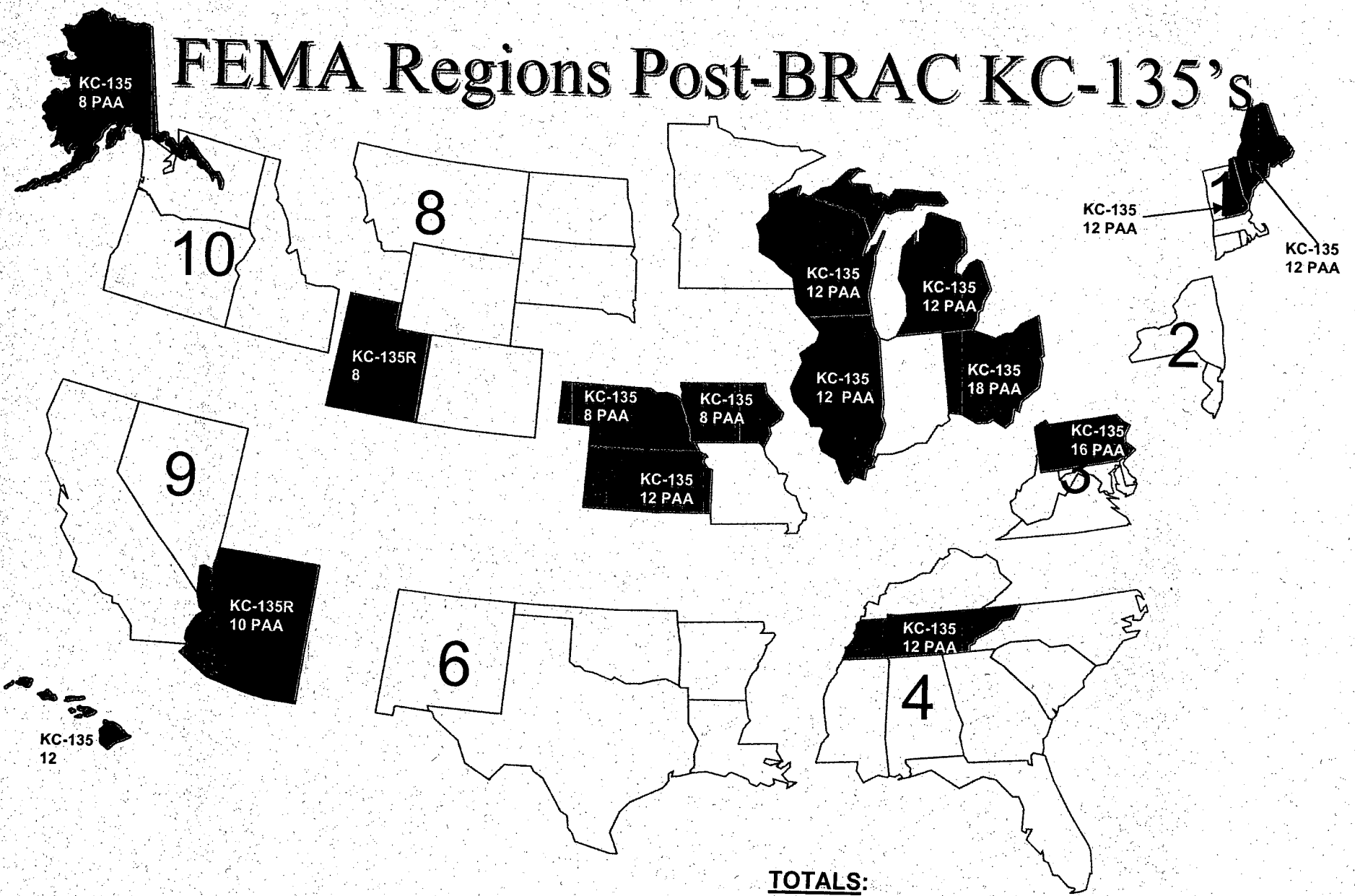
FEMA Regions Pre-BRAC KC-135's



TOTALS:

C-5	16
C-17	8
C-130	263
E-8	15
KC-135	199

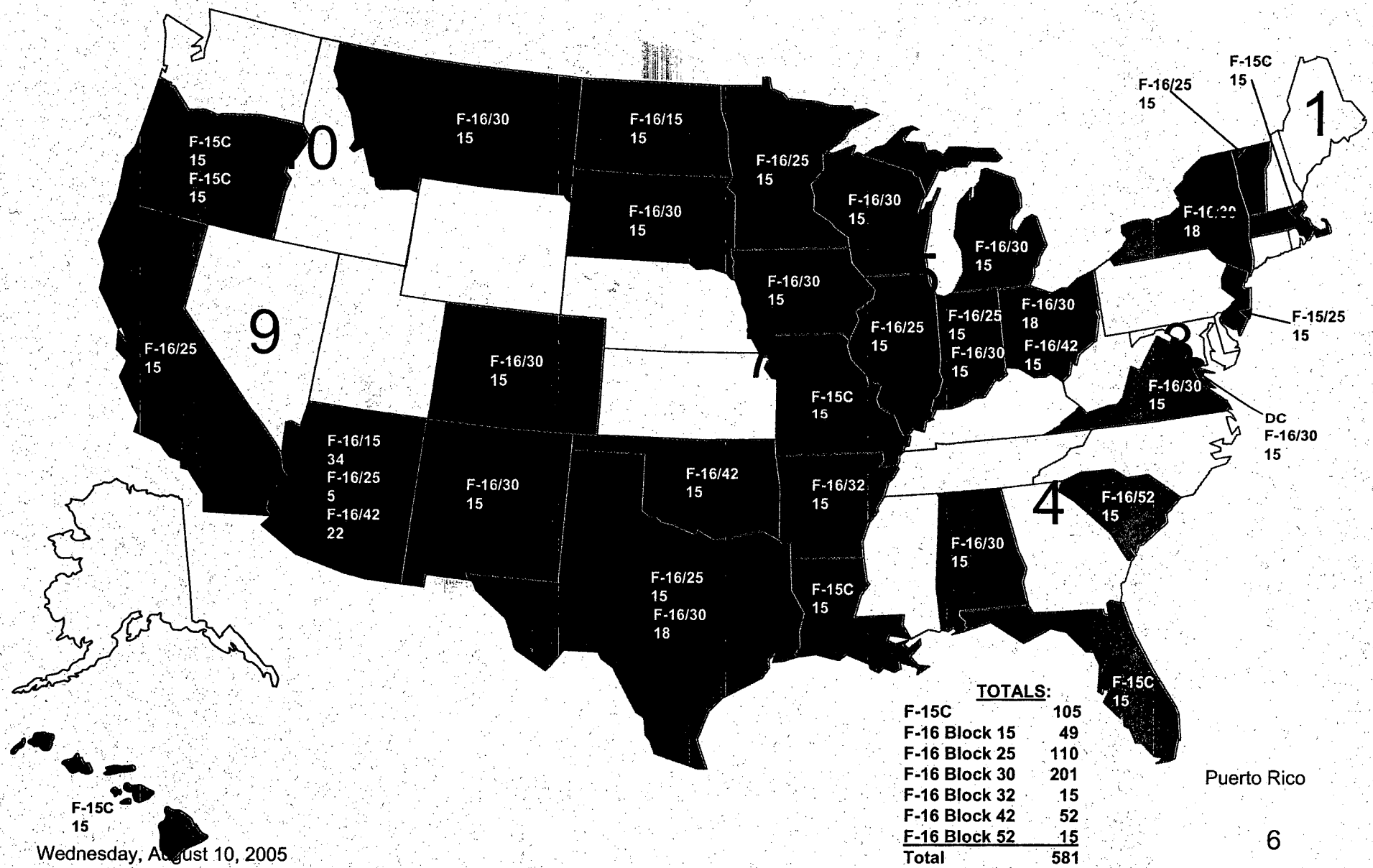
FEMA Regions Post-BRAC KC-135's



TOTALS:
KC-135 182 (-17)

Puerto Rico

Pre-BRAC Fighters

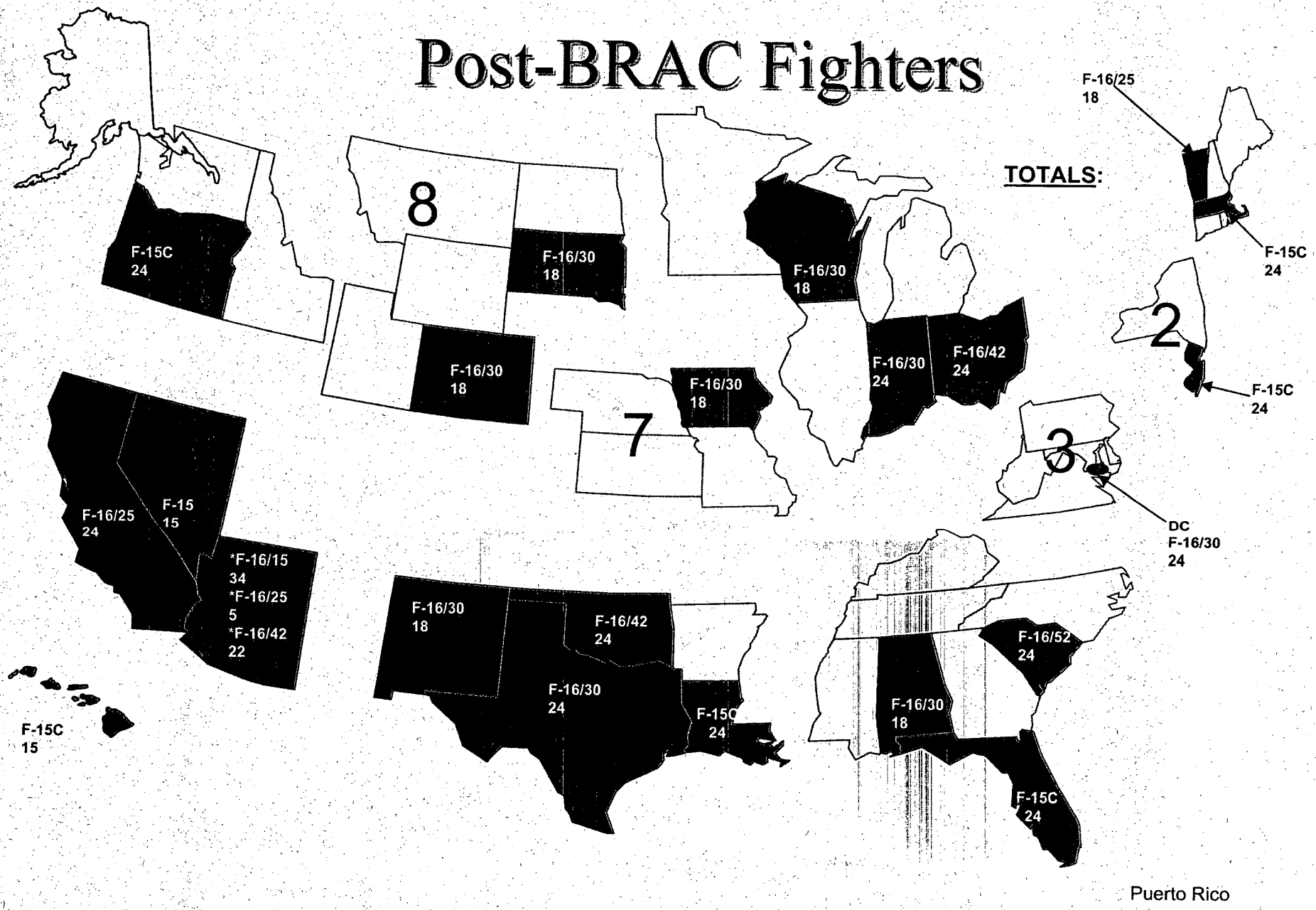


TOTALS:

F-15C	105
F-16 Block 15	49
F-16 Block 25	110
F-16 Block 30	201
F-16 Block 32	15
F-16 Block 42	52
F-16 Block 52	15
Total	581

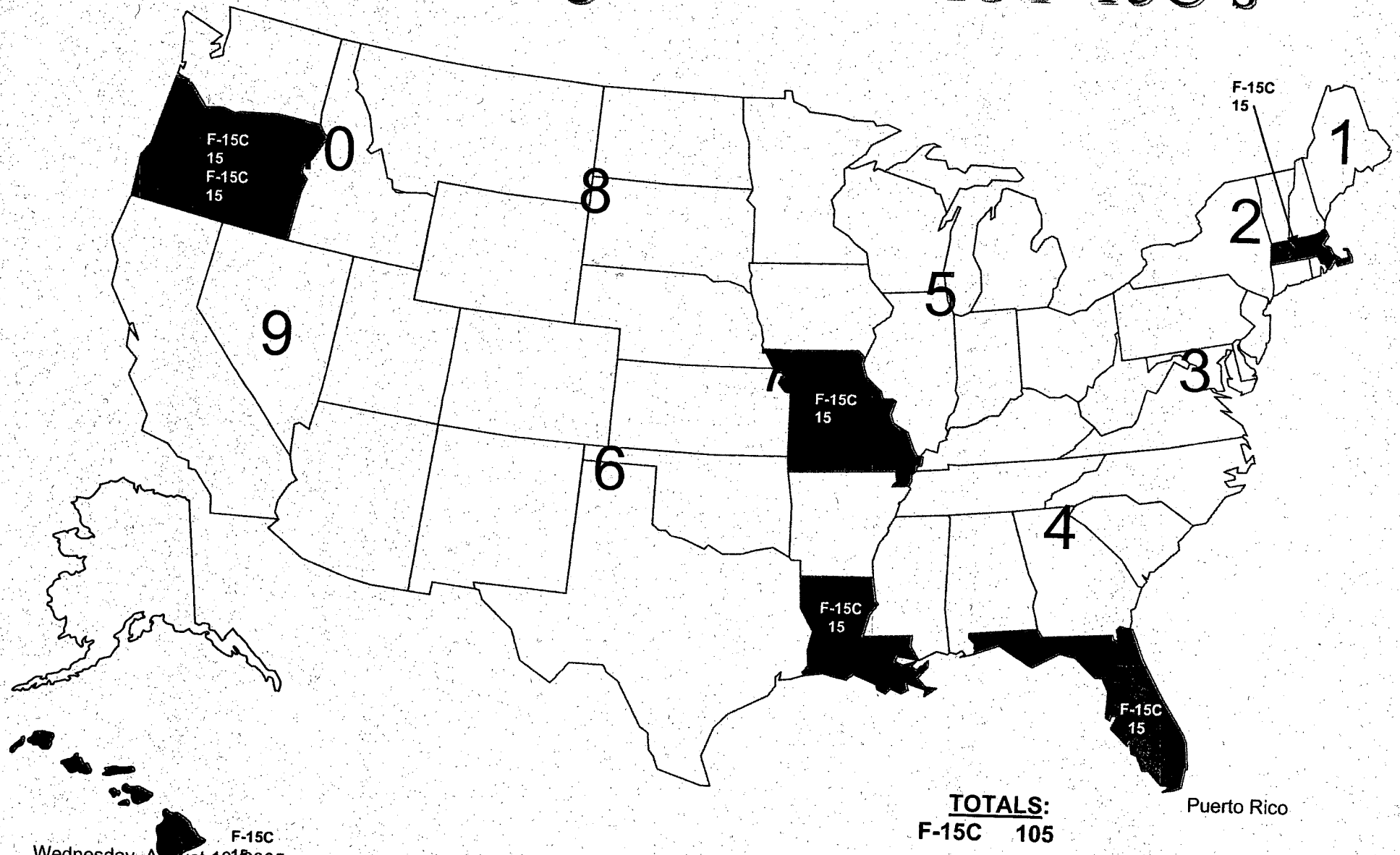
Wednesday, August 10, 2005

Post-BRAC Fighters



TOTALS:

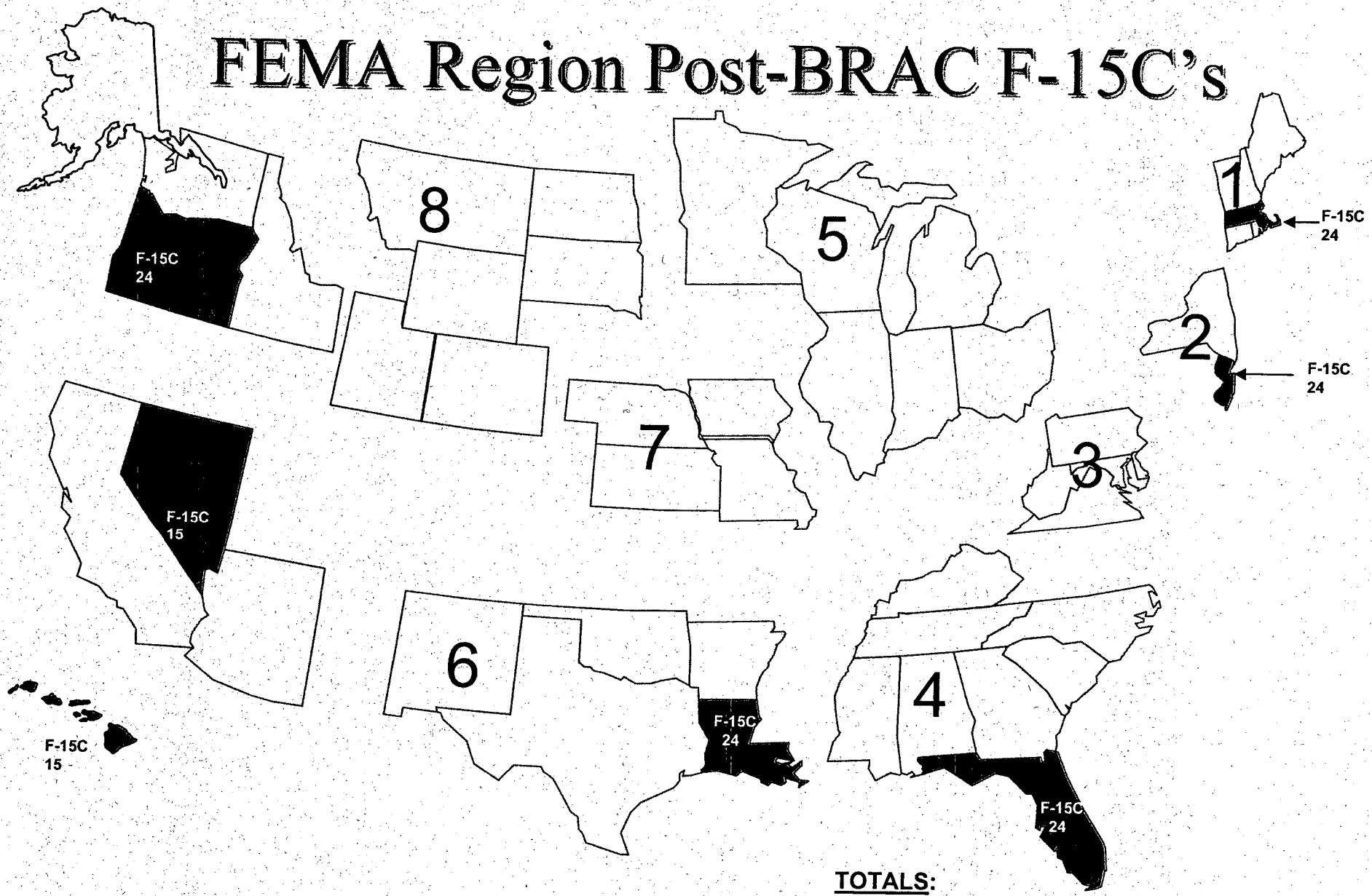
FEMA Region Pre-BRAC F-15C's



TOTALS:
F-15C 105

Puerto Rico

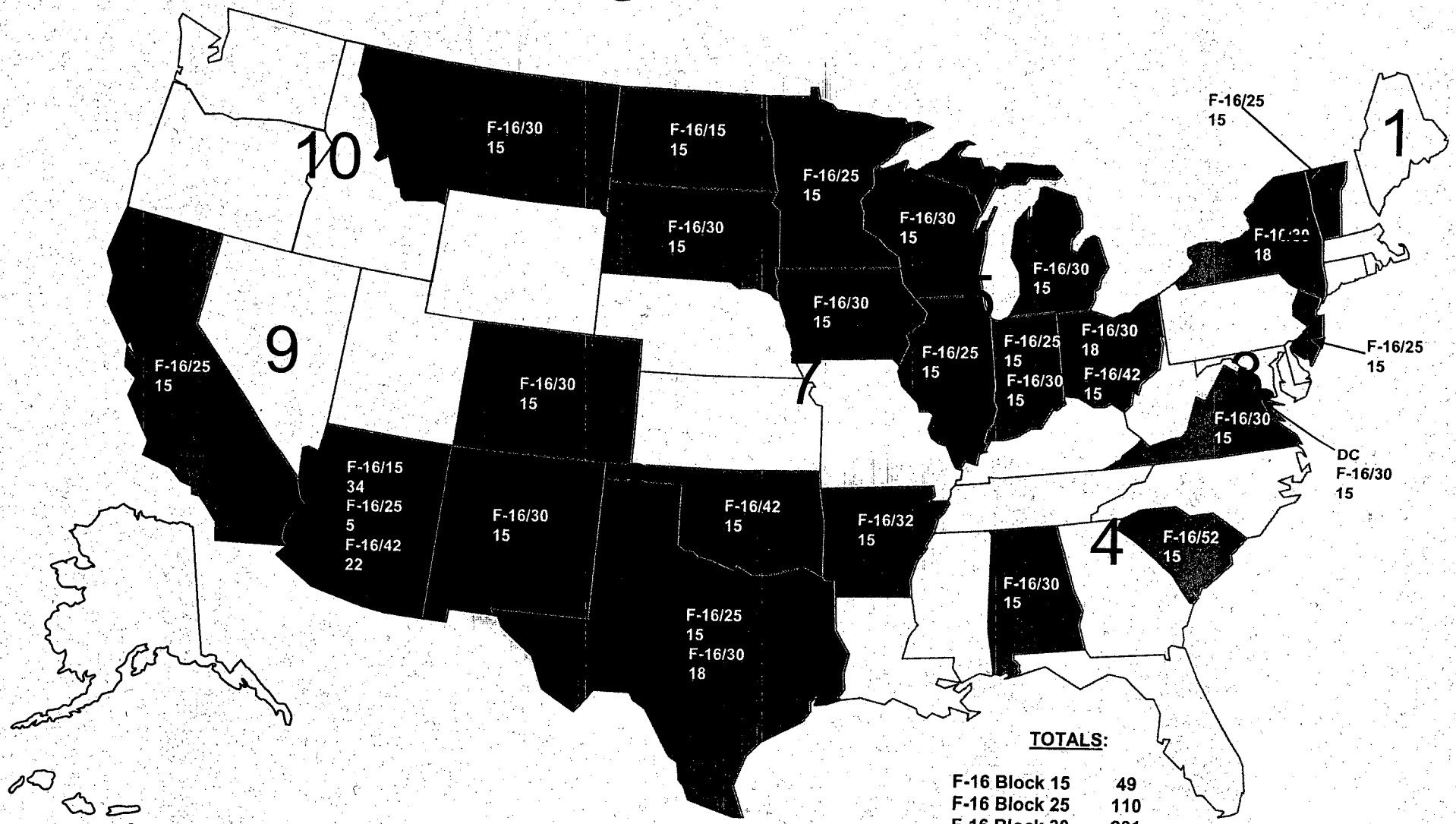
FEMA Region Post-BRAC F-15C's



TOTALS:
F-15C 111

Puerto Rico

FEMA Region Pre-BRAC F16's

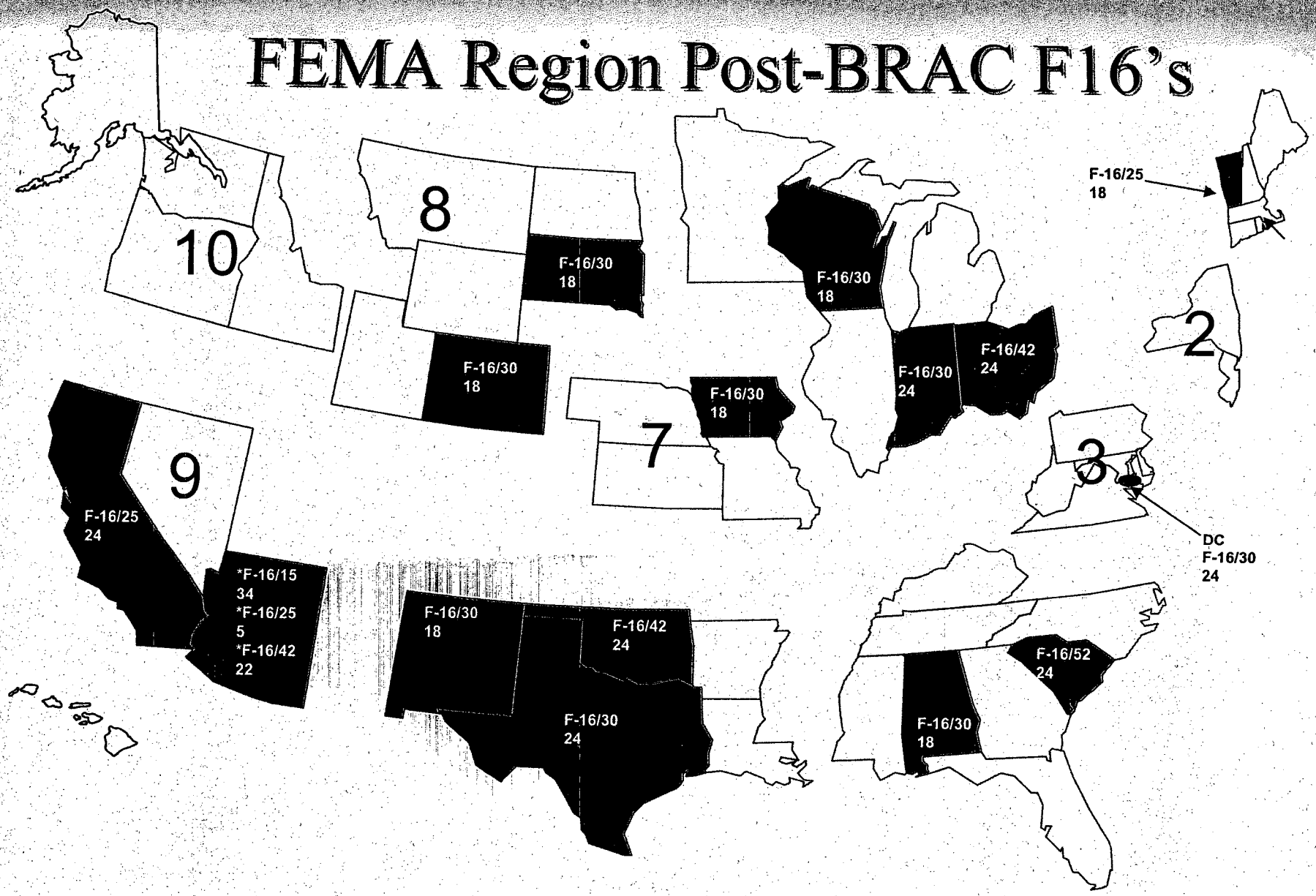


TOTALS:

F-16 Block 15	49
F-16 Block 25	110
F-16 Block 30	201
F-16 Block 32	15
F-16 Block 42	52
F-16 Block 52	15
Total	476

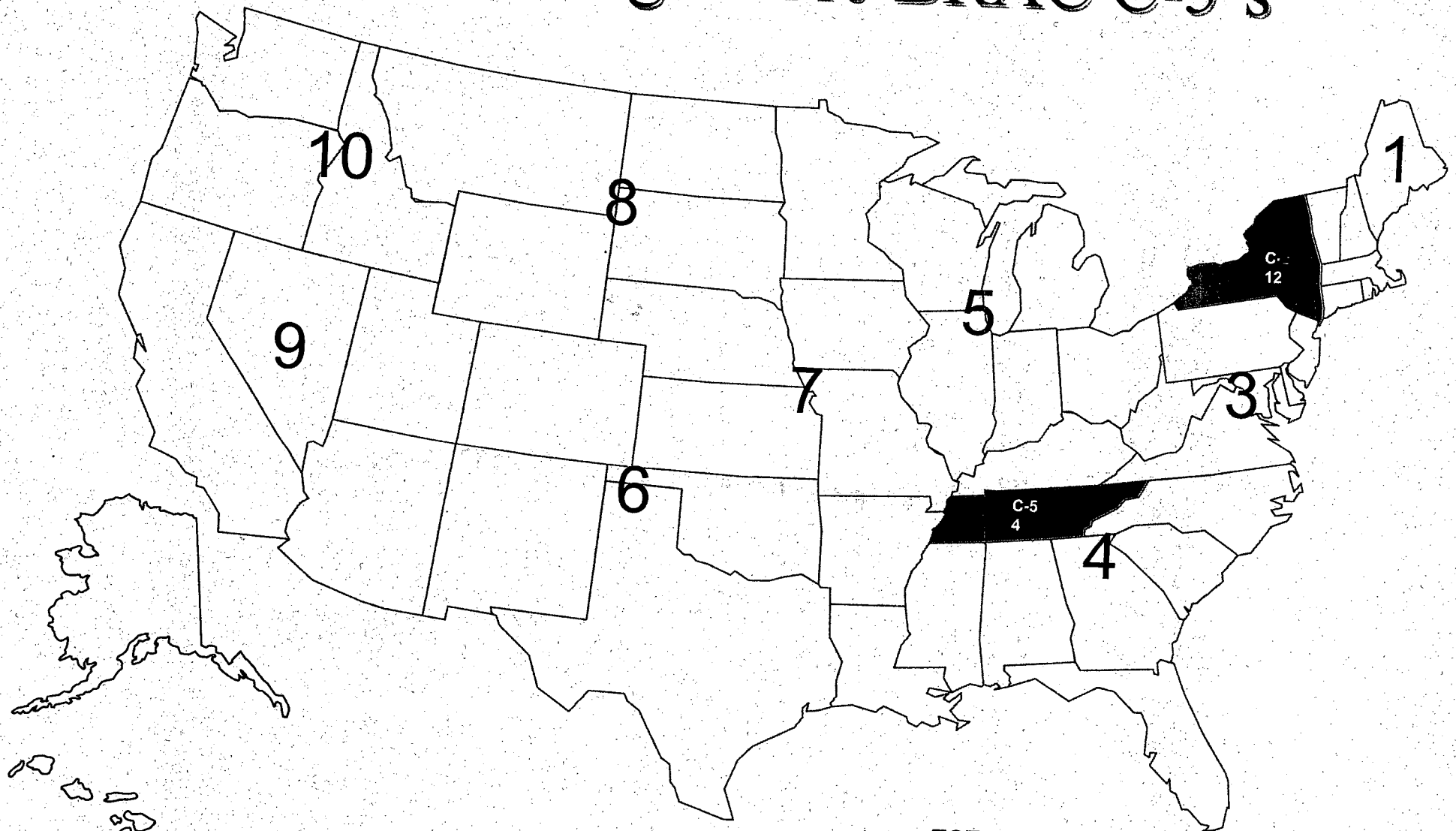
Puerto Rico

FEMA Region Post-BRAC F16's



Puerto Rico

FEMA Region Pre-BRAC C-5's



TOTALS:

C-5 16

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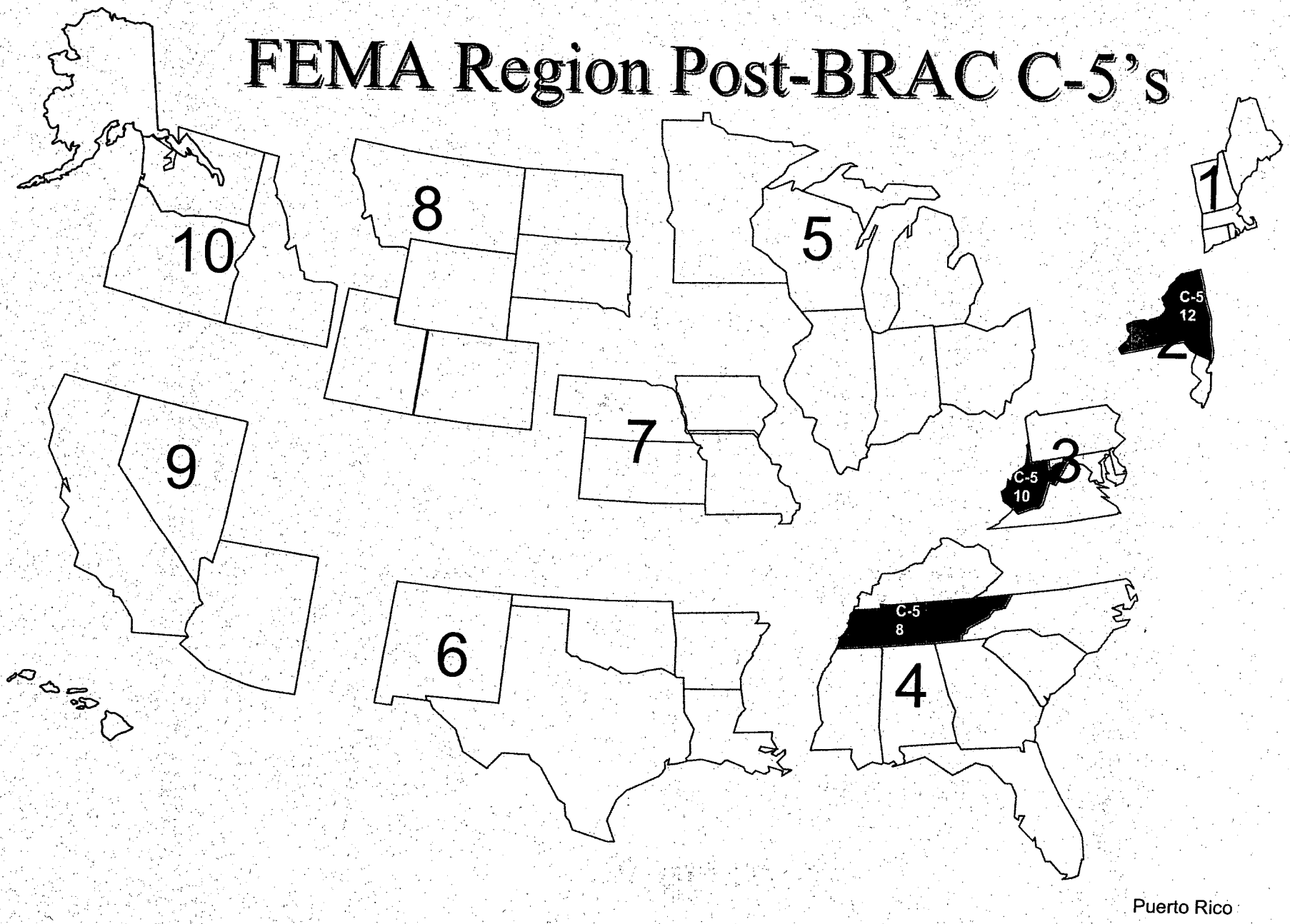
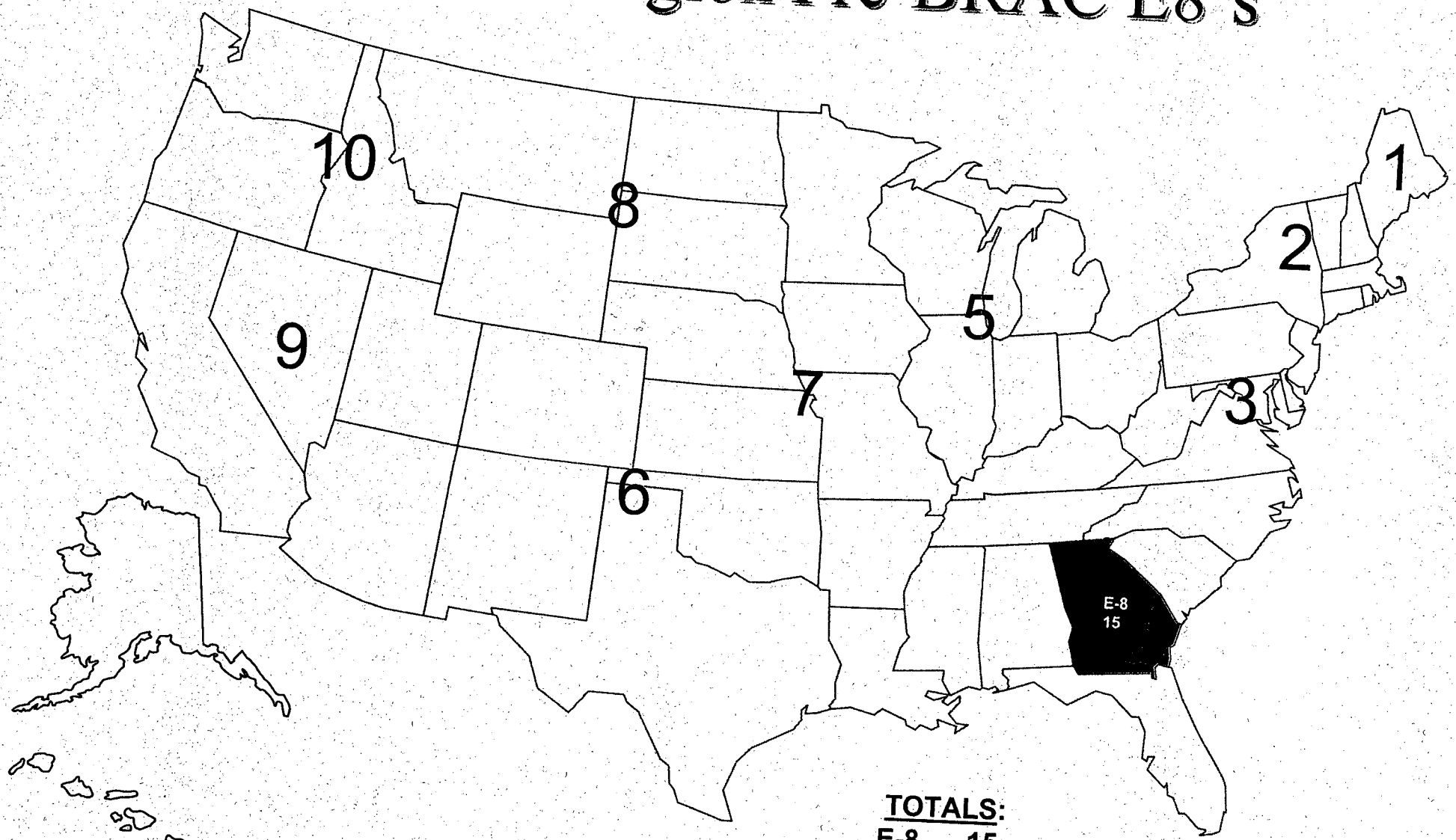
FEMA Region Post-BRAC C-5's



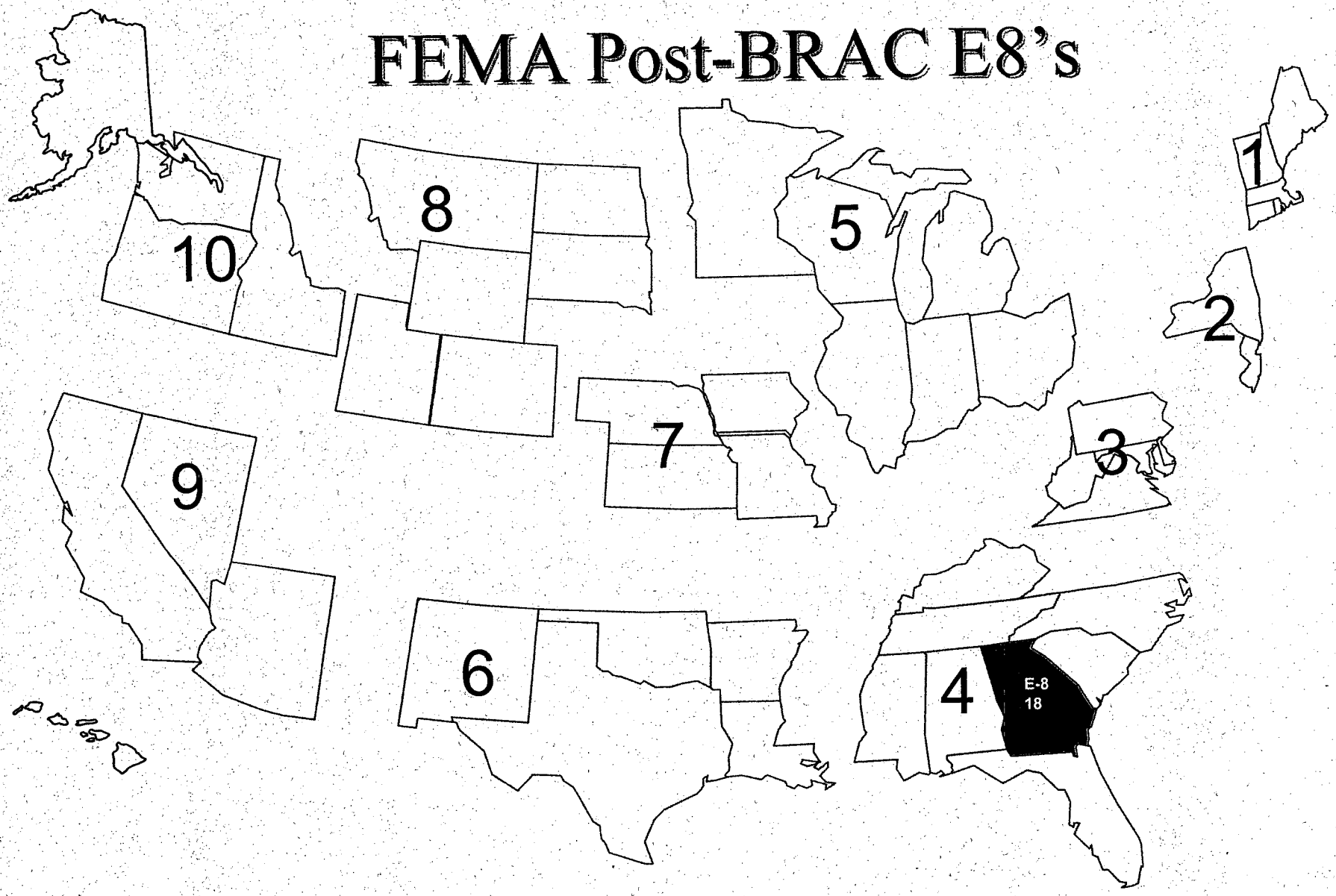
FEMA Region Pre-BRAC E8's



TOTALS:
E-8 15

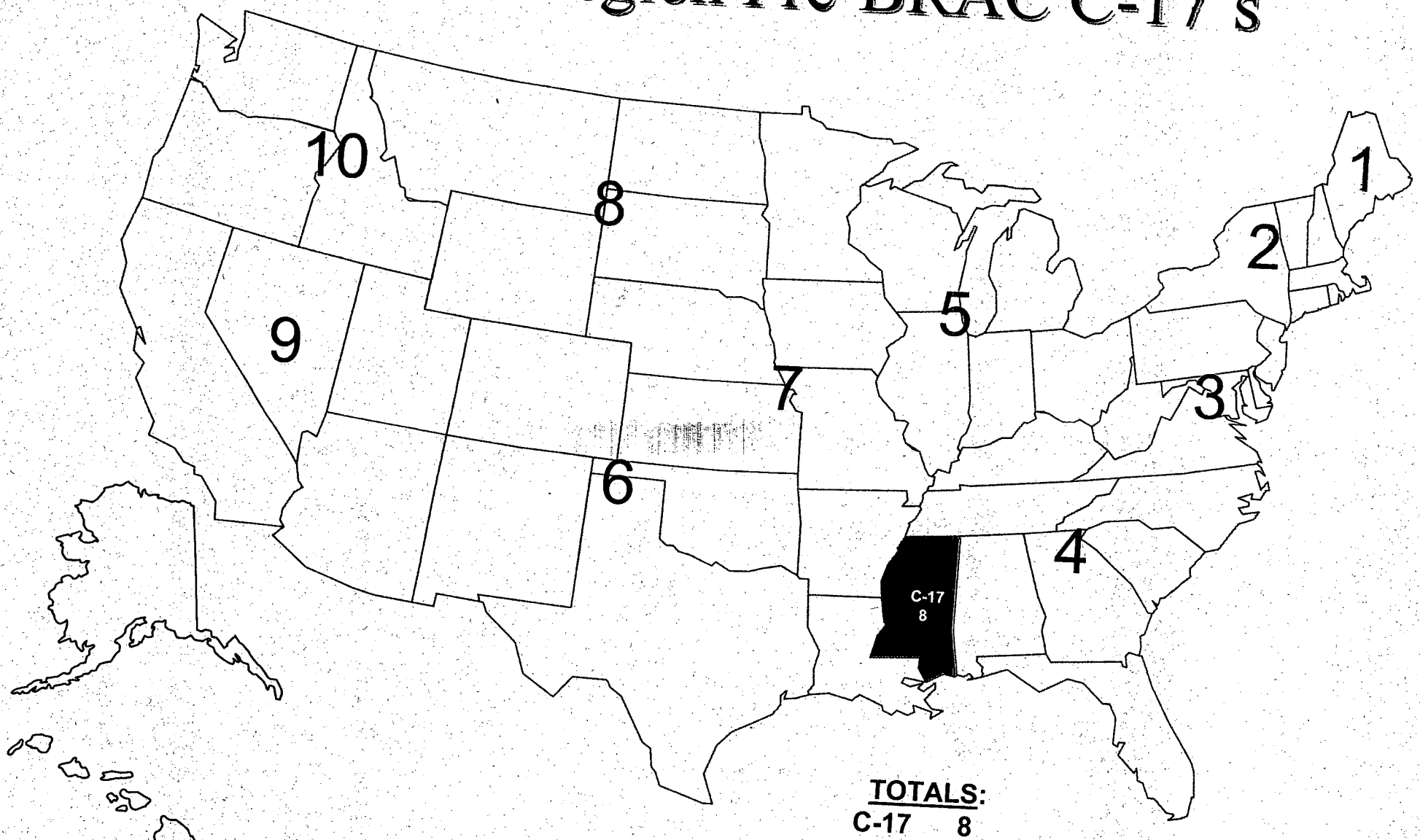
Wednesday, August 10, 2005

FEMA Post-BRAC E8's



Puerto Rico

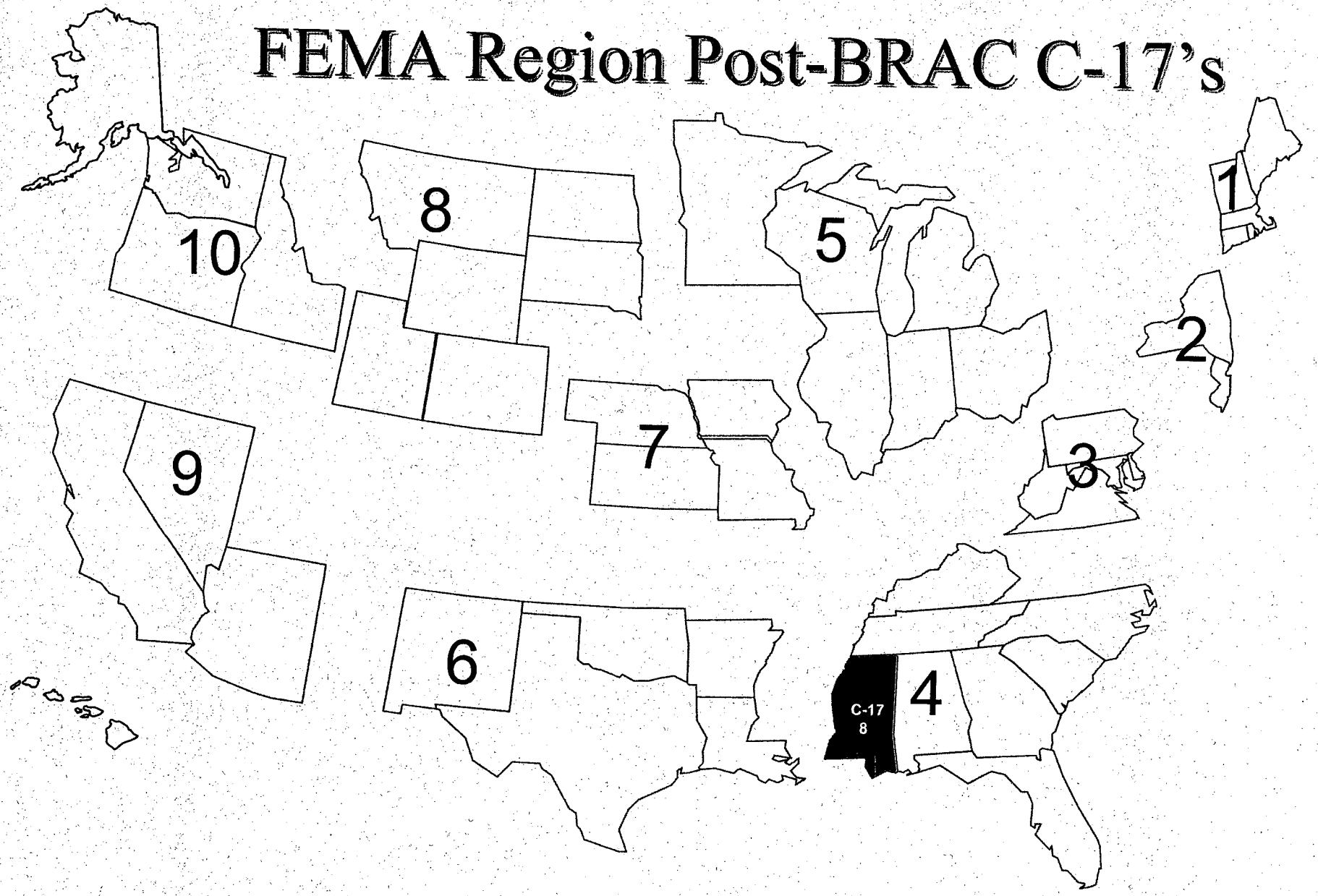
FEMA Region Pre-BRAC C-17's



TOTALS:
C-17 8

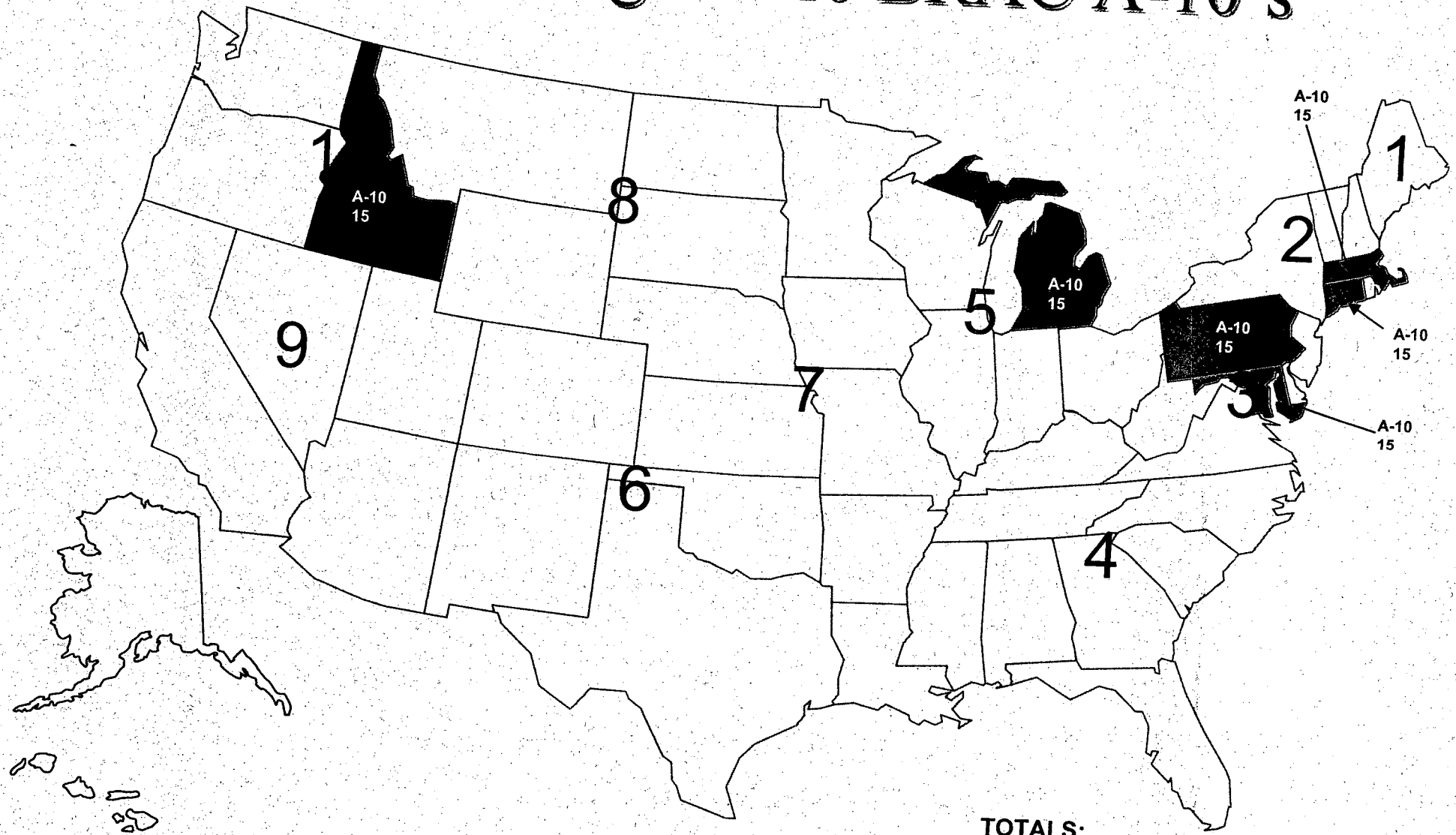
Wednesday, August 10, 2005

FEMA Region Post-BRAC C-17's



Puerto Rico

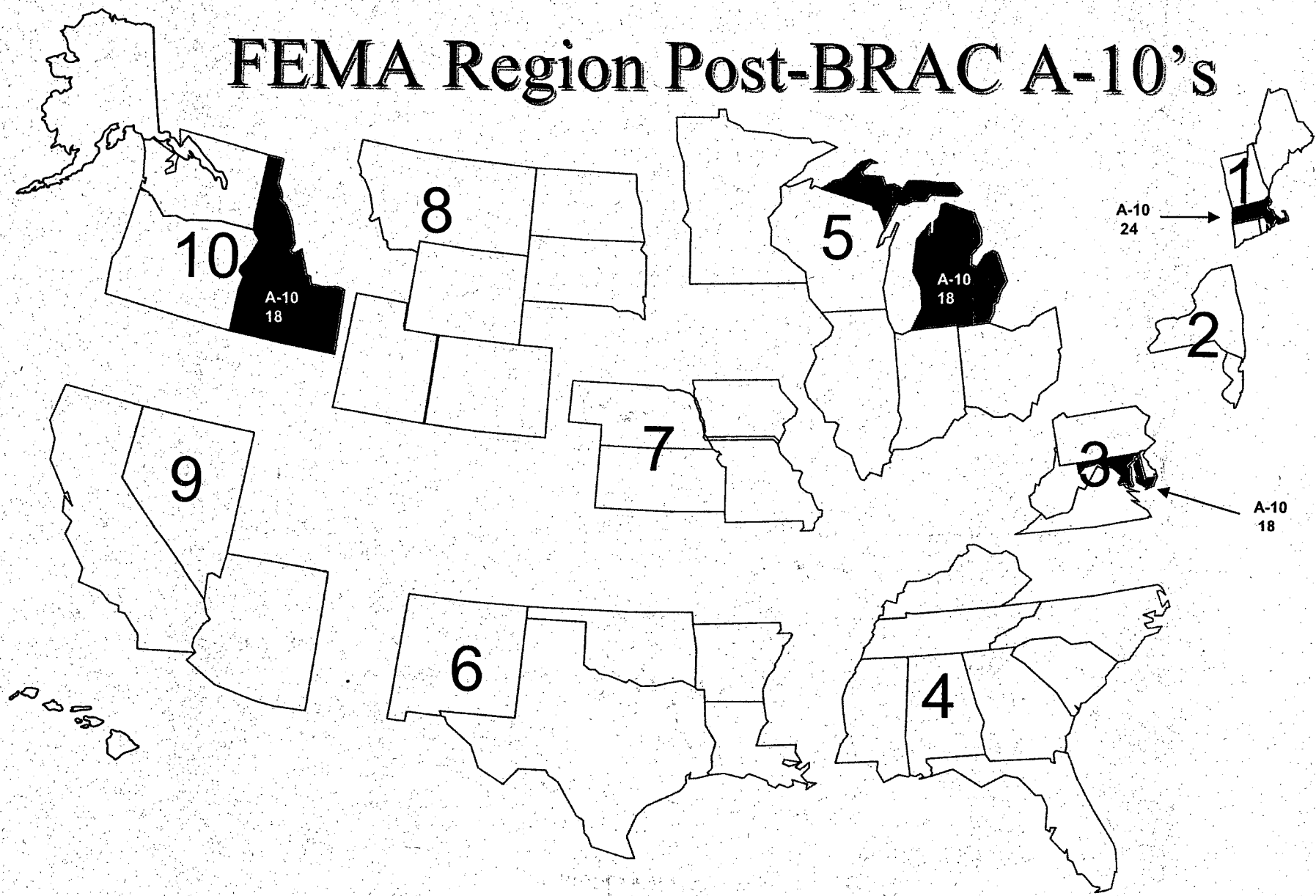
FEMA Region Pre-BRAC A-10's



TOTALS:
A-10 90

Wednesday, August 10, 2005

FEMA Region Post-BRAC A-10's



Puerto Rico

STATE SUMMARY

Purpose: The attached document was distributed to each Adjutant General throughout the US to codify the States response to their BRAC

Form Components

State/Unit: Identifies the state and unit the information was collected.

W/S: Identifies the Weapon System affected by BRAC recommendation

Current PAA: Identifies the current Primary Aircraft Assigned to the state/unit Pre-BRAC

BRAC PAA: Identifies the Primary Aircraft Assigned to the state/unit Post-BRAC

BRAC Recommendation: Identifies the recommended BRAC action by DOD.

IAW BRAC: In accordance with BRAC information determines if the recommendation are within the scope of the BRAC Act statutory guidelines

Programmatic: Identifies if the BRAC recommendation can be done without following the BRAC Act guidelines.

Governor/State Consent: Identifies if the Governor or State Adjutant General approves of the BRAC recommendation within their state.

Reason Codes: Attempts to identify the reasons why the Governor or State Adjutant General disapprove of the BRAC Recommendation. Listed below are the Summary Codes.

REASON CODES

1. BRAC recommendation substantially deviated from US Law/BRAC Act
2. BRAC process did not properly evaluate the military value (Military Capability Index Score). If yes, explain details in remarks section.
3. The COBRA model does not take into consideration the duality of the National Guard and recurring training costs.
4. Impact Homeland Security
5. AGAUS Principles: (1) Retain our militia basing concept (2) USAF to build upon the cost efficiencies, capabilities and community support of the ANG by assuring the continued mission of all existing ANG flying units (Fighters, Tankers, Airlift, etc.) as part of a future total force structure in which ANG contributions constitute an expanded proportion of all AF missions. Each state assigned force structure with AEF capabilities (Aviation/ECS1) (3) Each state assigned a baseline homeland defense force that at a minimum includes CE, Medical, and Security Forces. (4) ANG maintains essential and proportional share of flying missions (Fighters, Tankers, Airlift, etc.) (5) USAF to collaborate with the ANG and States through AGAUS on new and emerging missions.
6. Additional comments (use comment space provided below).

Legal Concerns: This section analyzed the relevant statutes and authorities that the recommendation of the Secretary of Defense to BRAC raise the following three legal issues.

I. Recommendations that envision actions not requiring Commission consideration or approval[1], e.g.:

1. Assignment of specific equipment such as aircraft to specific locations (programmatic);
2. Retirement of specific equipment (programmatic);
3. Realignment or closure of installation with less than 300 authorized civilian employees.

By misuse of the Commission to deal with these matters a serious complicating factor is created for any future DOD programmatic changes. Further realignment or reassignment of the functions or assets realigned by BRAC would need to be accomplished by the same process or by legislation or by Presidential certification thus hampering DOD Flexability in those programmatic areas.

II. Recommendations that directly conflict with Statutes enacted to implement the Militia clause of the Constitution.[2] Repositioning of National Guard units must be acccomplished with the consent of the Governor.[3]

III. Recommendations that create a conflict with other Specific Statutes, e.g. retirement of certain aircraft.[4]

Basically it would appear that the recommendations of DOD attempt to misuse or overuse the BRAC process to accomplish changes that otherwise could be accomplished by DOD action creating unexplored future legal issues; attempt to bypass specific Congressional decisions on retirement of equipment; and attempt to bypass Congressional mandates to assure implementation of the Militia clause of the U.S. Constitution.

[1] *See* U.S.C § 2687(a)(e); Defense Closure and Realignment Act 1990, as amended. [2] Art I, Section 8. [3] *See* 32 U.S.C § 104(a)(c). [4] Public Law No. 108-375, Div.A., Title I, Subtitle D, § 131

STATE SUMMARY

States flying bases that have been closed
States with no flying units
States that lose one flying unit
States that are not impacted by BRAC

State	Unit	W/S	CURR PAA	BRAC PAA	BRAC RECOMMENDATION (ENCLAVE, CLOSING, REALIGNMENT)	IAW BRAC (YES OR NO)	PROGRAM-MATIC (YES OR NO)	GOVERNOR / STATE CONSENT (YES OR NO)	REASON CODES (1,2,3,4,5)	Legal Concerns
AK	176 WG (Kulis)	C130H	8	0	CLOSED	YES	YES	NO	1,3	I,II
AK	**176 WG (Elmendorf)**	**C130H**	**0**	**12**	**REALIGNMENT**					I,II
AL	**117 ARW (Birmingham)**	**KC-135R**	**8**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I
AL	187 FW (Montgomery)	F16C/D	15	18	REALIGNMENT	NO	NO	NO	ALL	I
AR	**188 FW (Ft Smith)**	**F16A/B**	**15**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**		I
AR	189 AW (Little Rock)	C130E	8	18	REALIGNMENT	NO	YES			I
										I
AZ	161 ARW (Phoenix)	KC-135E	8	10	REALIGNMENT					I
CA	**163 ARW (March)**	**KC-135R**	**9**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I
										I
CA	146 AW (Channel Island)	C130J	8	12	REALIGNMENT	NO	YES	YES	4,5	I
CA	144 FW (Fresno)	F16C/D	15	24	REALIGNMENT	NO	YES	YES	4,5	I
CO	140 WG (Buckley)	F16C/D	15	18	REALIGNMENT	NO	YES	YES	6	I
										I,II
										I,II
FL	125 FW (Jacksonville)	F15A/B	15	24	REALIGNMENT	YES	NO	YES		I
										I
GA	165 AW (Savannah)	C130H	8	12	REALIGNMENT	NO	YES	NO	ALL	I
										I
										I
HI	154 WG (Hickam)	KC-135R	8	12	REALIGNMENT					I
IA	132 FW (Des Moines)	F16C/D CG	15	18	REALIGNMENT	NO	YES	YES	N/A	I
IA	185 ARW (Sioux City)	KC-135E	8	8	REALIGNMENT	NO	YES	YES	N/A	I
ID	**124 WG (Boise)**	**C130E**	**4**	**0**	**REALIGNMENT**					I
ID	124 WG (Boise)	A10A	15	18	REALIGNMENT					I
IL	**183 FW (Capital)**	**F16C/D**	**15**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**		I
IL	126 ARW (Scott)	KC-135E	8	12	REALGNMENT	NO	YES	NO		I
IL	182 AW (Peoria)	C130E	8	12	REALIGNMENT	NO	YES	NO	1	I
IN	**181 FW (Hulman)**	**F16C/D**	**15**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I,II
IN	122 FW (Fort Wayne)	F16C/D	15	24	REALIGNMENT	NO	YES	NO		I,II
KS	**184 ARW (McConnell)**	**KC-135R**	**9**	**0**	**ENCLAVE**	**YES**	**YES**	**YES**	**5**	I,II
KS	190 ARW (Forbes)	KC-135E	8	12	REALIGNMENT	YES	YES	YES	5	I,II

STATE SUMMARY

States flying bases that have been closed
States with no flying units
States that lose one flying unit
States that are not impacted by BRAC

State	Unit	W/S	CURR PAA	BRAC PAA	BRAC RECOMMENDATION (ENCLAVE, CLOSING, REALIGNMENT)	IAW BRAC (YES OR NO)	PROGRAM-MATIC (YES OR NO)	GOVERNOR / STATE CONSENT (YES OR NO)	REASON CODES (1,2,3,4,5)	Legal Concerns
KY	165 AS (Louisville)	C130H	8	12	REALIGNMENT	NO	YES			I
LA	159 FW (New Orleans)	F15A/B	15	24	REALIGNMENT	YES	YES	YES	5	I
MA	104 FW (Barnes)	A10A	15	24	REALIGNMENT	YES	YES	NO	2,3,4,5	I
MA	102 FW (Otis)	F15A/B	15	0	CLOSED	NO	YES	NO	ALL	I
MD	**175 WG (Martin State)**	**C130J**	**8**	**0**	**REALIGNMENT**	**NO**	**YES**	**NO**	**ALL**	**I**
MD	175 WG (Martin State)	A10A	15	18	REALIGNMENT	NO	YES	NO		I
MD	113 WG (Andrews AFB)	F16C/D	15	24	REALIGNMENT	NO	YES	YES (Pres)	5	I
ME	101 ARW (Bangor)	KC-135E	8	12	REALIGNMENT	NO	YES	NO	2	I
MI	**127 WG (Selfridge)**	**C130E**	**8**	**0**	**REALIGNMENT**	**NO**	**YES**	**YES**		**I,II**
MI	**127 WG (Selfridge)**	**F16C/D**	**15**	**0**	**REALIGNMENT**	**NO**	**YES**	**NO**	**1,3,4,5**	**I**
MI	127WG (Selfridge)	KC135	0	12	REALIGNMENT	NO	NO	NO		I
MI	110 FW (Kellogg)	A10A	15	0	CLOSED	YES	NO	NO	ALL	I,II
MN	148 FW (Duluth)	F16C/D	15	0	ENCLAVE/ASA	NO	YES	NO	ALL	I
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Not BRAC	[illegible]	[illegible]	[illegible]	[illegible]	I
MO	131 FW (Lambert)	F15A/B	15	0	ENCLAVE/REALIGN	NO	YES	NO	ALL	I
MO	139 AW (Rosecrans)	C130H	8	12	REALIGNMENT	NO	YES	YES	5	I
MS	186 ARW (Key)	KC-135R	9	0	ENCLAVE					I
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Not BRAC	[illegible]	[illegible]	[illegible]	[illegible]	I
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	I
NC	145 AW (Charlotte)	C130H MAFF	8	12	REALIGNMENT	NO	YES	NO	5	I
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	I
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Not BRAC	[illegible]	[illegible]	[illegible]	[illegible]	I
NH	133 ARS (Pease)	KC-135R	9	12	REALIGNMENT	NO	YES	NO	5	I
NJ	**108 ARW (McGuire)**	**KC-135E**	**16**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	**I,II**
NJ	**177 FW (Atlantic City)**	**F16C**	**15**		**REALIGNMENT**	**YES**	**YES**	**YES**	**4**	**I**
NJ	177 FW (Atlantic City)	F15	0	24	REALIGNMENT	N/A	N/A	N/A		I
NM	150 FW (Kirtland)	F16C	15	18	REALIGNMENT					I
NV	**152 AW (Reno)**	**C130H**	**8**	**0**	**ENCLAVE/ASSOCIATE**	**NO**	**YES**	**NO**	**ALL**	**I**
NV	152 FS (Nellis)	F15	0	15	REALIGN/ ASSOCIATE					I
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Not BRAC	[illegible]	N/A	N/A	6	I
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Not BRAC	[illegible]	N/A	N/A		I
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Not BRAC	N/A	N/A	N/A		I
NY	109 AW (Schenectady)	C130H	4	0	REALIGNMENT	NO	YES	NO	1,2,3,4,5,6	I

STATE SUMMARY

States flying bases that have been closed
States with no flying units
States that lose one flying unit
States that are not impacted by BRAC

State	Unit	W/S	CURR PAA	BRAC PAA	BRAC RECOMMENDATION (ENCLAVE, CLOSING, REALIGNMENT)	IAW BRAC (YES OR NO)	PROGRAM-MATIC (YES OR NO)	GOVERNOR / STATE CONSENT (YES OR NO)	REASON CODES (1,2,3,4,5)	Legal Concerns
NY	107 ARW (Niagara)	KC-135R	8	0	CLOSED	NO	YES	NO	ALL	I
OH	**178 FW (Springfield)**	**F16C/D (FTU)**	**18**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I
										I
OH	180 FW (Toledo)	F16C/D CG	15	24	REALIGNMENT	NO	YES	NO	1,2,3,5,6	I
OH	179 AW (Mansfield)	C130H	8	0	CLOSED	NO	YES	NO	ALL	I
OK	**137 AW (OK City)**	**C130H**	**8**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I
OK	137 AW (OK City)	C21	0	?	REALIGNMENT	NO	YES	NO	ALL	I
OK	138 FW (Tulsa)	F16C/D CG	15	24	REALIGNMENT	NO	YES	NO	1	I
OR	**142 FW (Portland)**	**F15A/B**	**15**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I
										I
										I
										I
PA	111 FW (Willow Grove)	A10A	15	0	CLOSED	NO	YES	NO	ALL	I
										I
RI	143 AW (Quonset)	C130J	8	11	REALIGNMENT	YES	NO	YES	N/A	I
SC	169 FW (McEntire)	F16CJ	15	24	REALIGNMENT	YES	NO	YES	5,6	I
SD	114 FW (Foss)	F16C/D	15	18	REALIGNMENT	NO				I
TN	**118 AW (Nashville)**	**C130H**	**8**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I,II
TN	164 AW (Memphis)	C5	4	8	REALIGNMENT					I
TN	134 ARW (Knoxville)	KC-135E	8	12	REALIGNMENT					I,III
TX	**147 FW (Ellington)**	**F16C/D**	**15**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**1,2,3,4**	I
TX	136 AW (Carswell)	C130H	8	12	REALIGNMENT	NO	YES	YES	1	I
TX	149 FW (Lackland)	F16C/D	18	24	REALIGNMENT	NO	YES	YES	1	I
										I
VA	**192 FW (Richmond)**	**F16C/D**	**15**	**0**	**ENCLAVE/ASSOCIATE**	**NO**	**YES**	**YES**		I,II
VT	158 FW (Burlington)	F16C/D	15	18	REALIGNMENT	YES	YES	YES	6	I
WA	**141 ARW (Fairchild)**	**KC-135R**	**8**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I
WI	115 FW (Truax Field)	F16C/D	15	18	REALIGNMENT					I
WI	128 ARW (Milwaukee)	KC-135R	9	12	REALIGNMENT	NO				I
WV	**130 AW (Charleston)**	**C130H**	**8**	**0**	**ENCLAVE**	**NO**	**YES**	**NO**	**ALL**	I
WV	167 AW (Martinsburg)	C5	0	10	REALIGNMENT	N/A	N/A	N/A	N/A	I
WY	153 AW (Cheyenne)	C130H MAFF	8	12	REALIGNMENT	NO	YES		1,2,3	I

AGAUS Position Regarding Aircraft Consolidations

In deciding to consolidate Air National Guard flying squadrons, the Air Force did not take into account on-going studies that will define future requirements, did not provide quantitative analysis of the need for or benefits from larger squadrons, nor did it thoroughly consider the impact of creating twenty-three "enclave" bases in the Air Guard.

AGAUS is concerned that the proposed decisions relative to ANG aircraft consolidations do not take into account several critical Congressionally mandated reports including: the Quadrennial Defense Review 2005, the Mobility Requirements Study, and the Report mandated in Section 118 of the Fiscal Year 2003 National Defense Authorization Act. AGAUS is concerned that the Air Force's recommended programmatic actions changing squadron sizes would, if approved, seriously marginalize the Quadrennial Defense Review of 2005 and the mandates of the 2003 law that the Department of Defense to review the National Defense Strategy and Force Structure, National Security Interests, Reserve Component Roles and Missions, and so on. In addition, in the specific area of C130s, the Tactical Airlift Study currently underway will not be completed until June 2006. This study is vital to understanding expected requirements for C130s across the total Air Force. All of these reports will determine the shape of the future Air Force and the capabilities needed. To dramatically reshape the force without considering these reports simply makes no sense.

Even more important, AGAUS in concerned that there was no serious quantitative look at the costs and benefits of moving to larger squadrons. Volume Five of the BRAC Recommendations states optimal and acceptable squadron sizes for all aircraft (page 2). However, no justification is given in the document for these numbers. Further research of available Air Force documents shows that a July 2004, *Air Force White Paper: Air Force Organizational Principles* specified an optimal and acceptable number of aircraft by type for "optimal" squadrons. Again, no justifying analysis is presented in the *White Paper* for either the optimal or the acceptable number. In later testimony, the Air Force has indicated that they determined that the greater experience of Air National Guard squadrons would allow for optimal operations with only the "acceptable" number of airplanes. This belated recognition of the benefits of greater Air Guard experience provides no insight into why even smaller squadrons might not work just as well for the Air Guard. In addition, while the Air Force has also indicated verbally that there are some cost savings associated with more planes per squadron, they have not been able to specify how those savings are determined. Importantly, the Air Force does not appear to have analyzed how cost savings might be different for Guard units that are already much more cheaply operated than Active Duty units.

On 1 July 2005, Chairman Principi wrote to the Secretary of Defense asking if the Adjutants General and the Governors of states were consulted in the re-allocation of aircraft, personnel, facilities and missions from their states. The Department of Defense's response provided no analytical data to support the proposed "right-sized" squadrons beyond indicating that "best military judgment" had been used to determine

that larger squadrons would better support the future force. In response to Congressional requests for supporting data, the Air Force stated in a June 9, 2005 correspondence, "The collective military judgment and experience of the most senior mobility planners is that operating C-130 aircraft in optimum size (16 PAA optimum and 12 PAA begin acceptable) is the most effective way of support the AEF war fighting construct an peacetime operations". Noticeably absent from this statement is any explanation of why squadrons with 16 and 12 aircraft are the better sized squadrons or why they would do a better job supporting AEF's than the current smaller squadrons.

For example, in terms of Air National Guard C130 units, 11 of 24 are impacted by the recommendations. There is no evidence of any cost-benefit analysis by the Air Force when deciding to move from 8 to 12 or 16 C130 Squadrons. Even more bizarre, USAFE recently determined that 8 aircraft is the optimal number of C130s per squadron. The Air Guard has operated with 8 C130s per squadron with great success. Why would the tactical airlift needs of the European command be so different from that of the overall Air Force? Is the Air Guard also different from Europe or from the Active Duty? We know that Air Guard units are generally more experienced and operate at lower cost. Was that data properly considered when determining the costs and benefits of a squadron size shift for both the Active Duty and the Reserve Components?

The GAO's recent findings that the Air Force did not properly analyze the restructuring of the B-1B fleet (GAO -02-846) is an important reminder that the "best military judgment" is not always sufficient for restructuring decisions.

In considering the consolidation of ANG flying squadrons, the follow critical questions remain unanswered:

- How much money is saved by consolidating F16, F15, A10, C130, KC 135 squadrons?
- Is the same amount of money saved by consolidating Guard squadrons as is saved by consolidating Active Duty squadrons?
- How many experienced aircrew and maintainers will no longer be within 50 miles of an ANG flying unit?
- What is the cost, in both dollars and the possible impact on mission capable rates, of losing experienced personnel no longer located near a flying unit?
- Have the existing Air National Guard 8 (C130/KC135); 15-18 (F15, F16, A10) squadrons ever failed to provide the Air Force support for a wartime mission?

Until these questioned are answered, it is not possible to determine if changing the optimal squadron size is a good decision. It is also not possible to determine if there are real savings or any increased in mission capabilities compared to the costs an expected loss of experienced personnel.

The lack of analytical data is critical because the Air Force's decision to use the BRAC process to implement programmatic actions relating to squadron size materially determined BRAC recommendation to eliminate 27 Air National Guard flying units, to

close 6 Air Guard installations, to leave 5 states without an Air Guard flying unit, and to create 23 enclave bases (ANG units with ECS remaining). The lack of data also makes it difficult to accurately assess the degree to which these recommendations conform to several of the BRAC final selection criteria, particularly those dealing with current and future mission capabilities, homeland defense staging, the cost of operations, and the impact on manpower.

Last, AGAUS is concerned about the lack of analysis given to the creation of "enclave" bases. This concept came up late in the process when it was determined that the result of squadron consolidation would be to take away aircraft from so many Air Guard installations. AGAUS is not convinced that enclave bases can function effectively, that units based on enclaves can sustain adequate recruiting and retention, nor that they will meet the homeland security needs of states and regions.

AGAUS Recommendation:

AGAUS believes that programmatic issues like adjusting squadron sizes and moving aircraft to specific installations should not be included in the Commissions' final BRAC recommendations.

In terms of legal requirements, the Commission does not appear to be legally bound to retain the recommendations for consolidated Air National Guard squadrons as the only detail provided in the force structure submissions given to Congress is that the Air Force will have 10 AEFs. No definitions of optimal squadron sizes were included in those

submissions. In addition, establishing the number of aircraft per squadron and realigning aircraft would substantially deviate from the final selection criteria and the intent of the BRAC statute.

It is the military judgment of the Adjutant Generals that using the BRAC process to legally establish concepts that have not been properly analyzed and that are not part of reducing excess infrastructure is a damaging and dangerous precedent to set. Such actions may seriously damage the Total Force relationship, the federal/state partnership, and undermine the public support of the United States Air Force.

The Adjutant Generals are convinced that through an inclusive process consulting with all key stakeholders -- the Air Force, the Governors, the TAGs, and elected representatives– necessary restructuring can occur that meets both the critical current and future mission needs of the nation and states.

TAB F

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, UNITED STATES AIR FORCE
WASHINGTON, DC

28 July 2005

MEMORANDUM FOR HQ AFSPC/JA

FROM: HQ USAF/JAA
1420 Air Force Pentagon, Rm 5E279
Washington DC 20330-1420

SUBJECT: Legal Restraints on the Use of the Air National Guard to Perform Federal Operational Missions

This responds to your request for our opinion as to whether the Air National Guard (ANG) may perform federal operational missions while in Title 32 training status, and if so, under what circumstances. You have indicated that this issue has arisen on a number of occasions with respect to Air Force Space Command (AFSPC) missions, and most recently, with respect to the possible transfer of the 13th Space Warning Squadron (13 SWS) mission to the Alaska ANG and the use of the North Dakota ANG to guard the 91st Space Wing (91 SW) missile fields. As a general rule, we believe the Air National Guard is precluded from performing federal operational missions unless placed in active duty status under Title 10, United States Code. However, there are specific, limited exceptions to this rule. Identifying the cases to which these exceptions apply is not always straight forward and each case will need to be evaluated on its own merits. The intent of this opinion is to provide some general guidance on evaluating these cases, as well as to address your specific concerns regarding the Alaska and North Dakota proposals.

Background

The issue of whether, and to what extent, the ANG may perform federal missions was prompted by two proposals that would transfer missions currently performed by active component (AC) units, in whole or in part, to ANG units. The first is a proposal to stand up a new Alaska ANG unit (213 SWS) consisting almost entirely of ANG members on Active Guard and Reserve (AGR) duty for the sole purpose of taking over the 13 SWS mission in its entirety. The plan calls for the security forces members of the 213 SWS to guard the perimeter of Clear AFS, Alaska while in Title 32 training status. With regard to the system operators at Clear AFS, the plan calls for ANG members to be placed into Title 10 status using self-executing orders whenever they are seated at the system consoles. When the system operators are finished at the consoles, they will revert back into Title 32 status.

The second proposal is for the members of the North Dakota ANG to augment an active duty unit, the 91st Security Forces Squadron (SFS), guarding the 91 SW missile fields. The ANG unit would consist of an almost even mix of AGR personnel and traditional or drill status guardsmen. The AGR personnel would provide full-time augmentation to the 91 SWS with manpower

requirements based on 24/7 operations. Like the Clear AFS proposal, the AGR personnel and traditional guardsman would remain in Title 32 training status.

Constitutional Foundations

In examining the proper functions and duties of the Air National Guard, we are reminded that the Army and Air National Guard (hereinafter "the National Guard") are specifically provided for in the United States Constitution and thus must function within that framework. Article I, Section 8 of the Constitution states that Congress shall have the power "[t]o provide for the calling forth of the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions"[1] and "[t]o provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of Officers, and the Authority of training the Militia according to the discipline prescribed by Congress."[2] The Constitution further states that the President "shall be the Commander in Chief ... of the Militia of the several States, when called into actual Service of the United States."[3] The National Guard comprises that portion of the Militia that may be called into federal service.[4]

From the text of the Constitution, we can readily draw several conclusions about the role and status of the National Guard. First, the National Guard is a state entity that remains under the authority and control of the States unless and until it is called into federal service. This is true even when the National Guard is training for its federal mission. Second, in order to perform a federal mission, the Constitution contemplates, if not requires, that the National Guard will be called into federal service. Finally, the President of the United States is the Commander in Chief of the National Guard when, *and only when*, it has been called into federal service. At all other times, the Governors of the States serve in that capacity. This, in turn, means that National Guard units will have a different chain-of-command depending upon their status, one running to the Governors of their States when in state status and the other to the President when in federal status.

The Constitutional framework for the National Guard is clearly reflected in the United States Code. Consistent with that framework and with the conclusions articulated above, Section 102 of Title 32 states:

> In accordance with the traditional military policy of the United States, it is essential that the strength and organization of the Army National Guard and the Air National Guard as an integral part of the first line defenses of the United States be maintained and assured at all times. ***Whenever Congress determines that more units and organizations are needed for the national security*** than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with such units of other reserve components as are

[1] Constitution, Art I, § 8, cl 15.
[2] Constitution, Art I, § 8, cl 16.
[3] Constitution, Art II, § 2, cl 1.
[4] See 10 U.S.C. § 101; 32 U.S.C. § 101.

necessary for a balanced force, ***shall be ordered to active Federal duty and retained as long as so needed.***

In other words, the purpose of the National Guard is to train and prepare air and land forces to augment the regular Armed Forces of the United States as needed for national security. Notably, Section 102, like the Constitution, contemplates that the National Guard will be called into federal service when performing federal missions.

Authorized Title 32 Activities

When not in federal service, the National Guard is typically either preparing for its federal mission under Title 32 or (to a lesser extent) performing state active duty, such as responding to natural disasters. Title 32 is the authority under which the federal government provides supplies, equipment, and funding to the National Guard.[5] Among other things, it enumerates the authorized functions and duties of the National Guard, at least with respect to federally-funded activities. They include:

a. drug interdiction and counter-drug activities[6];
b. performance of funeral honors[7];
c. rifle instruction[8];
d. training[9]; and
e. homeland defense activities[10].

In addition, Title 10 permits National Guard members who are on full-time National Guard duty (FTNGD) to perform duties in support of emergency preparedness programs to prepare for or respond to incidents involving the use of weapons of mass destruction.[11]

There are also specific functions and duties associated with the different categories of guardsmen. National Guard personnel can generally be divided into three categories: traditional or drill status; Active Guard and Reserve (AGR); or technician. The traditional or drill status Guardsmen (DSG) are true "part-timers." Their primary role is to train for their federal mission in accordance with Section 502(a) of Title 32, which specifies the required number of annual drill and training periods. AGRs are National Guard members on FTNGD for a period of 180 days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.[12] Technicians are federal civilian employees who are also members of the National Guard. Under Section 709 of Title 32, technicians may administer and train the National Guard, and maintain and repair military supplies.

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[5] 32 U.S.C. §§ 106, 702.
[6] 32 U.S.C. § 112.
[7] 32 U.S.C. § 114.
[8] 32 U.S.C. § 316.
[9] 32 U.S.C. Ch. 5.
[10] 32 U.S.C. Ch. 9.
[11] 10 U.S.C. § 12310.
[12] Also, the "other duty" provision of 32 U.S.C. § 502(f) provides the authority for placing guardsmen on AGR duty. *See* 10 U.S.C. § 101(d)(6) for the definition of AGR; See also, DoDD 1205.18, *Full-time Support (FTS) to the Reserve Components*, May 25, 2000; ANGI 36-101, *The Active Guard/Reserve Program*, May 3, 2002.

Authority to Perform Federal Operational Missions

In analyzing whether the National Guard may perform a federal operational mission while in Title 32 status, we must first look to Title 32 to see if Congress has authorized the National Guard to undertake such an activity. As noted above, Congress has identified several specific, albeit limited, circumstances under which the National Guard may perform what are arguably federal missions. They include drug interdiction and counter-drug activities, homeland defense activities, and weapons of mass destruction duties. We will not discuss these authorities here because they are more or less self-explanatory. We instead turn our attention to the training rationale posited in the Alaska and North Dakota ANG situations described above.

Training has often been cited as the basis for using the National Guard to perform what are essentially federal operational missions. According to this line of reasoning, National Guard members receive a training benefit from actually performing or participating in the missions, and thus, as part of their Title 32 training mission, they may perform federal operational missions. While there is some merit to this argument, we believe its utility is very limited.

The basic training requirements for traditional Guardsmen are set forth in Section 502(a), which provides for 48 unit training assemblies per year and at least 15 days of annual training. National Guard members may, of course, perform more than the basic training requirements in order to prepare themselves for their federal mission. However, when training is used as the rationale to permit National Guard members to perform federal operational missions, common sense and experience tell us that at some point the training benefit associated with actually performing the operational mission ceases, or at least, becomes ancillary to the mission itself. In other words, at some point, the training rationale becomes a façade for using Title 32 forces in lieu of active component forces.

Unfortunately, it is not possible to articulate a bright-line rule for determining when the training benefits associated with an operational mission can no longer justify the use of National Guard members in Title 32 training status. However, in evaluating these cases, we believe the following factors should be considered:

a. **Whether performance of the federal operational mission is consistent with the unit's formalized training program.** Both active and reserve component units typically have formalized training programs to ensure that the units are capable of performing their mission essential tasks and that unit personnel are capable of meeting their individual training requirements, such as upgrade, qualification, proficiency, and currency training. When performance of a federal operational mission is not consistent with this program or detracts from it by interfering with a unit's ability to perform all of its mission essential tasks or with an individual's ability to meet his or her training requirements then the legitimacy of the training rationale comes into question.

b. **Whether the federal mission can be performed without the National Guard unit.** If the federal mission cannot be performed without the National Guard unit, then it is fairly clear that the primary purpose of performing the federal mission is the mission itself and not training.

In such a case, if the Governor decided to use the National Guard unit for other duties, the President would be forced to federalize the ANG unit, replace it with an active duty unit, or leave mission undone.

c. **Whether the use of full-time Guard personnel is disproportionate.** The disproportionate use of full-time personnel, both AGR and technicians, should trigger concerns. As noted above, the purpose of AGR personnel and technicians is to support the reserves. This means the duties assigned to these full-time personnel should be consistent with this purpose. This also means that there should be a reasonable ratio of full-time to part-time personnel. In our opinion, it would be inappropriate to place a National Guard member on AGR duty without assigning him or her duties related to organizing, administering, recruiting, instructing, or training the reserve components and using him or her in that capacity. Likewise, it would be inappropriate to man a National Guard unit with a disproportionate number of AGR personnel knowing they will not be performing AGR duties. In other words, if it reasonably takes twenty full-time personnel to support a unit of one hundred full- and part-time National Guard members, than manning the unit with forty full-time personnel so that it can perform a federal mission would be inappropriate.

Air Force Space Command Proposals

Both the Alaska and North Dakota proposals rely upon training to justify the use of ANG units to perform the security missions at Clear AFS and Minot AFB, respectively. Based upon the factors we discussed above, we do not believe this is legally supportable, nor consistent with the Constitutional role of the National Guard.

The Alaska proposal calls for the 213 SWS security forces members to provide full-time security for Clear AFS by calling it training. Because we do not have any information on the unit training program, we are unable to evaluate the first factor noted above, i.e., whether the installation security mission detracts from or contributes to unit training. We are, however, able to evaluate the other two factors. First, it is obvious that the installation security mission would not be accomplished if the 213 SWS did not perform it because the plan calls for the 213 SWS to completely take over the mission from the 13 SWS. This, by itself, is strong evidence that the primary purpose of installation security mission is performance of the national defense mission itself and not training. Moreover, it appears that the 213 SWS will consist primarily of AGR personnel. The need for a disproportionate number of AGR personnel strongly suggests that the primary purpose of the unit is to perform a federal mission and not training. Based on the foregoing, we do not believe it would be appropriate for the 213 SWS security forces to perform the installation security mission.

You have also raised questions regarding the role of the 213 SWS with respect to system operations at Clear AFS, indicating that AGR personnel would be placed on active duty status using self-executing orders when they are seated in front of the consoles and returned to AGR status when no longer at the consoles. The DoD General Counsel considered a similar proposal regarding the manning of the Army's Ground-based Midcourse Defense (GMD) commands.[13] That office identified three legal risks associated with the use of AGR personnel: (1) the failure

[13] DoD OGC Memorandum, February 16, 2005.

to identify duties for AGR personnel when not in active duty status; (2) the questionable nature of voluntary written agreements that would provide the basis for placing AGR personnel on active duty under 10 U.S.C. § 12301(d); and (3) potential confusion regarding the chain of command. The same "legal risks" are more or less present in this case. We find the failure to articulate duties for AGR personnel to be of greatest concern. In our opinion, it is inappropriate to place guardsmen into AGR status if they will not be performing AGR duties.

The North Dakota proposal differs somewhat from the Alaska proposal because it calls for the North Dakota ANG to augment rather than replace the 91 SFS. Here again, we do not have any information on the unit training program and thus cannot evaluate this factor. With respect to the second factor, i.e., whether the operational mission can be performed without the National Guard unit, we are somewhat concerned by the fact that the North Dakota ANG will be providing full-time support to the 91 SFS. This is not to say that the 91 SFS could not perform the missile field security mission by itself; however, this factor merits further evaluation to ensure the North Dakota ANG unit is not effectively supplanting the active component forces. Finally, the third factor, i.e., whether the use of full-time National Guard personnel is disproportionate, cuts strongly against the training rationale. The North Dakota proposal contemplates the use of 75 AGR personnel and 92 traditional guardsmen. It is unclear why 75 AGR personnel are required to organize, administer, recruit, instruct, or train a unit with only 167 personnel. Based on the foregoing, the North Dakota ANG appears to be legally unsupportable.

Additional Considerations

In addition to being legally unsupportable, the use of Title 32 forces to perform federal missions creates significant command and control issues. While in Title 32 status, the chain of command runs from the Governor of the State to the National Guard unit. Consequently, by transferring missions from active component units to Title 32 forces, the President (and the federal military forces) will be relinquishing control over the mission. We do not believe this is prudent.

Moreover, there are significant fiscal concerns with the Alaska and North Dakota proposals. Both proposals could possibly result in violations of the Purpose Statute and the Antideficiency Act. The Purpose Statute states that "[a]ppropriations shall be applied only to the objects for which the appropriations were made."[14] A violation of the Purpose Statute could result in a violation of the Antideficiency Act (ADA), which prohibits obligation or expenditure of funds in excess of an appropriation or formal subdivision thereof.[15] National Guard personnel are paid from funds appropriated for the National Guard so that they may perform activities authorized under Title 32. There are separate appropriations for active component personnel supporting federal missions. Because of this, the use of National Guard personnel to perform a federal mission could result in a violation of the Purpose Statute if guardsmen are merely augmenting active component forces rather than engaging in legitimate Title 32 training activities. This in turn could result in a violation of the ADA if the Air Force ends up expending more funds on the active component than Congress had appropriated.[16]

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[14] 31 U.S.C. § 1301.
[15] 31 U.S.C. §§ 1341, 1517.
[16] In addition, this would constitute an impermissible augmentation of the funds.

The proposals may also violate the personnel end strengths established by Congress under 10 U.S.C. § 115. Congress annually establishes the maximum number of personnel who may be on active duty or full-time National Guard Duty. These personnel end strengths are further broken down by the types of duties being performed, such as supporting the active component forces, supporting the reserve component forces, or performing operational support missions. Using ANG personnel in a manner inconsistent with their Title 32 training status will cause personnel accounting errors and could result in end strength violations.

The Way Forward

There are several alternatives to using ANG members to perform federal missions while in Title 32 training status. They include: (1) using active component units exclusively; (2) using active component units with some participation by ANG members in Title 32 training status; and (3) placing the ANG units into Title 10 status.

Conclusions

As you have described them, the two proposals calling for the use of ANG units to perform security forces missions at Clear AFS and Minot AFB while in Title 32 status appear to be legally unsupportable. While there are no hard and fast rules for determining when the training benefit associated with performing a federal mission becomes an ancillary part of the mission, our analysis of the two proposals suggests that the training rationale is being used as an excuse to avoid placing the ANG units in Title 10 status. With respect to the Alaska proposal, we also find that placing guardsmen in AGR status simply to make them available for Title 10 duties is inappropriate under the enabling statutes. Following either of the proposed courses of action could have significant fiscal and command and control implications.

If you have any question, please do not hesitate to contact Lt Col Keric Chin at (703) 614-4075.

HARLAN G. WILDER
Chief, Administrative Law Division
Office of The Judge Advocate General

AK

168 ARW (Eielson) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	8	Non-BRAC (Storage)	YES	YES	NO	N/A	AF-6

Aircraft Movement:

176 WG (Kulis) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	CLOSED	YES	YES	NO	1,3	AF-7

Aircraft Movement: Outgoing to Elmendorf: 8-C130 ; 3-HC130N

176 WG (Elmendorf) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
0	12	REALIGNMENT	NO	YES	NO	N/A	AF-7

Aircraft Movement: Incoming from Kulis: 8-C130 ; Dyess 4-C130

AL

117 ARW (Birmingham) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	ENCLAVE	NO	YES	NO	ALL	AF-5

Aircraft Movement: Outgoing to: Bangor: 2-KC135R; McGhee Tyson: 4-KC135R; Phoenix: 2-KC135R

187 FW (Montgomery) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	NO	NO	NO	ALL	AF-30

Aircraft Movement: Incoming from Great Falls: 3-F16

AR

188 FW (Ft Smith) F16A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE	NO	YES	NO	N/A	AF-8

Aircraft Movement: Outgoing to: Fresno: 7-F16 ; Retirement 8 F16

189 AW (Little Rock) C130E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	18	REALIGNMENT	NO	YES	N/A	N/A	AF-31;34;43

Aircraft Movement: Incoming from: Pope: 25-C130E; Dyess: 24-C130H; Reno: 8-C130H; Niagra: 8-C130H; Gene

AZ

161 ARW (Phoenix) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	10	REALIGNMENT	N/A	N/A	N/A	N/A	AF-5

Aircraft Movement: Incoming from Birmingham 2

162 FW (Tucson) F16A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
62	61	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

CA

129 RQW (Moeffett) MC-130P

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
9	9	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

144 FW (Fresno) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	NO	YES	YES	4,5	AF-6; 8; 31

Aircraft Movement: Incoming from: Fort Smith: 7-F16; Luke AFB: 11-F16; Nellis: 6-F16. Outgoing to: Retire:

146 AW (Channel Island) C130J

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	YES	4,5	AF-24; 31;35

Aircraft Movement: Incoming from: Martin State: 4-C130J; Little Rock: 2-C130J. Outgoing to: Retire: 2-C130E

163 ARW (March) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
9	0	ENCLAVE	NO	YES	NO	ALL	AF-11

Aircraft Movement: Outgoing to : March ARB: 4-KC135R; Pease: 3-KC135; McGee Tyson: 1-KC135; McConnel

CO

140 WG (Buckley) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	NO	YES	YES	6	AF-40

Aircraft Movement: Incoming from: Springfield: 3-F16

CT

103 FW (Bradley) A10A

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE/ASA	NO	YES	NO	ALL	AF-14

Aircraft Movement: Outgoing to: Barnes: 9 A10; Retire: 6-A10

DE

166 AW (New Castle) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	ENCLAVE	NO	YES	NO	ALL	AF-15

Aircraft Movement: Outgoing to: Charlotte: 4-C130H; Savanah: 4-C130H

FL

125 FW (Jacksonville) F15A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	YES	NO	YES	N/A	AF-18; 25

Aircraft Movement: Incoming from: Mountain Home: 6-F15C; Otis: 3-F15

GA

116 ACW (Robins) E8C

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
18	18	Non-BRAC	NO	N/A	NO	N/A	AF-32

Aircraft Movement:

165 AW (Savannah) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	NO	ALL	AF-15

Aircraft Movement: Incoming from: New Castle County Airport: 4-C130H

HI

154 WG (Hickam) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
4	4	Non-BRAC	N/A	N/A	N/A	N/A	AF-37

Aircraft Movement:

154 WG (Hickam) F15A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	15	Non-BRAC	N/A	N/A	N/A	N/A	AF-37

Aircraft Movement:

154 WG (Hickam) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	N/A	N/A	N/A	N/A	AF-37

Aircraft Movement: Incoming from: Grand Forks: 4-KC135

IA

132 FW (Des Moines) F16C/D CG

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	NO	YES	YES	N/A	AF-20; 30; 40; 50

Aircraft Movement: Incoming from: Springfield-Beckley: 9-F16; Richmond: 6-F16; Great Falls: 3-F16. Outgoing

185 ARW (Sioux City) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	8	REALIGNMENT	NO	YES	YES	N/A	AF-51

Aircraft Movement: Incoming from: Fairchild: 8-KC135R Outgoing: Retirement 8

ID

124 WG (Boise) A10A

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	N/A	N/A	N/A	N/A	AF-17

Aircraft Movement: Incoming from: Willow Grove: 3-A10

124 WG (Boise) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
4	0	REALIGNMENT	N/A	N/A	N/A	N/A	AF-17

Aircraft Movement: Outgoing to: Cheyenne: 4-C130H

IL

126 ARW (Scott) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALGNMENT	NO	YES	NO	N/A	AF-37

Aircraft Movement: Incoming from: Grand Forks: 12-KC135. Outgoing to: Retire: 8-KC135

182 AW (Peoria) C130E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	NO	1	AF-44

Aircraft Movement: Incoming from: Nashville: 4-C130H

183 FW (Capital) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE	NO	YES	NO	N/A	AF-20

Aircraft Movement: Outgoing to: Fort Wayne: 15-F16

IN

122 FW (Fort Wayne) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	NO	YES	NO	N/A	AF-20

Aircraft Movement: Incoming from: Hulman Regional: 9-F16; Capitol AGS: 15-F16. Outgoing to: Retire: 15-F1

181 FW (Hulman) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE	NO	YES	NO	ALL	AF-20

Aircraft Movement: Outgoing to: Fort Wayne: 9-F16; Retire: 6-F16

KS

184 ARW (McConnell) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
9	0	ENCLAVE	YES	YES	YES	5	AF-37; 46

Aircraft Movement: Outgoing to: Forbes Field: 9-KC135; BAI: 3-KC135

190 ARW (Forbes) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	YES	YES	YES	5	AF-37; 46

Aircraft Movement: Incoming from: McConnell: 9-KC135; Portland: 3-KC135. Outgoing to: Retire 8-KC135

KY

165 AS (Louisville) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	N/A	N/A	AF-39; 44

Aircraft Movement: Incoming from: Nashville: 4-C130H

LA

159 FW (New Orleans) F15A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	YES	YES	YES	5	AF-41

Aircraft Movement: Incoming from: Portland: 9-F15.

MA

102 FW (Otis) F15A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	CLOSED	NO	YES	NO	ALL	AF-25

Aircraft Movement: Outgoing to: Jacksonville: 3-F15; Atlantic City: 12

104 FW (Barnes) A10A

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	YES	YES	NO	2,3,4,5	AF-14; 25

Aircraft Movement: Incoming from: Bradley: 9-A10

MD

113 WG (Andrews AFB) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	NO	YES	YES (Pres)	5	AF-14; 25

Aircraft Movement: Incoming from: Cannon AFB: 9-F16

175 WG (Martin State) A10A

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	NO	YES	NO	N/A	AF-14; 25

Aircraft Movement: Incoming from: Willow Grove: 3-A10

175 WG (Martin State) C130J

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	REALIGNMENT	NO	YES	NO	ALL	AF-14; 25

Aircraft Movement: Outgoing to: Channel Islands: 4-C130J; Quonset State: 4-C130J

ME

101 ARW (Bangor) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	NO	2	AF-5; 28; 33

Aircraft Movement: Incoming from: Niagara: 8-KC135; Key Field: 2-KC135; Birmingham: 2-KC135 Outgoing: R

MI

110 FW (Kellogg) A10A

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	CLOSED	YES	NO	NO	ALL	AF-27

Aircraft Movement: Outgoing to: Selfridge: 15-A10

127 WG (Selfridge) C130E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	REALIGNMENT	NO	YES	YES	N/A	AF-27

Aircraft Movement: Outgoing to: Retire: 8-C130E

127 WG (Selfridge) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	REALIGNMENT	NO	YES	NO	1,3,4,5	AF-27

Aircraft Movement: Outgoing to: Retire: 15-F16

127WG (Selfridge) KC135

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
0	12	REALIGNMENT	NO	NO	NO	N/A	AF-27

Aircraft Movement: Incoming from: Beale: 4-KC135; 927th: 8-KC135;

MN

133 AW (Minn/St. Paul) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	8	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

148 FW (Duluth) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE/ASA	NO	YES	NO	ALL	AF-28

Aircraft Movement: Outgoing to: Retire: 15-F16

MO

131 FW (Lambert) F15A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE/REALIGN	NO	YES	NO	ALL	AF-25

Aircraft Movement: Outgoing to: Nellis: 9-F15; Atlantic City: 6-F15

139 AW (Rosecrans) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	YES	5	

Aircraft Movement: Incoming from: Will Rodgers: 4-C130H

MS

172 AW (Jackson) C17

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	8	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

186 ARW (Key) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
9	0	ENCLAVE	N/A	N/A	N/A	N/A	AF-11

Aircraft Movement:

MT

120 FW (Great Falls) F16C

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE	NO	YES	NO	ALL	AF-30

Aircraft Movement: Outgoing to: Dannelly: 3-F16; Des Moines: 3-F16; Retire: 9-F16

NC

145 AW (Charlotte) C130H MAFFS

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	NO	5	AF-15

Aircraft Movement: Incoming from: New Castle 4 C-130

ND

119 FW (Fargo)

F16A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE (UAV)	NO	YES	NO	ALL	AF-38

Aircraft Movement: Outgoing to: Retirement 15 F16

NE

155 ARW (Lincoln) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	8	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

NH

133 ARS (Pease) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
9	12	REALIGNMENT	NO	YES	NO	5	AF-11

Aircraft Movement: Incoming from: March: 3-KC135

NJ

108 ARW (McGuire) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
16	0	ENCLAVE	NO	YES	NO	ALL	DON

Aircraft Movement: Outgoing to: Retire: 16-KC135

177 FW (Atlantic City) F16C

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15		REALIGNMENT	YES	YES	YES	4	AF-25

Aircraft Movement: Outgoing to: Retire: 12-F16; Burlington: 3-F16

177 FW (Atlantic City) F15

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
0	24	REALIGNMENT	N/A	N/A	N/A	N/A	AF-25; 41

Aircraft Movement: Incoming from: Otis: 12-F15; Lambert: 6-F15; Portland: 6-F15

NM

150 FW (Kirtland) F16C

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	N/A	N/A	N/A	N/A	AF-32

Aircraft Movement: Incoming from: Cannon: 3-F16

NV

152 AW (Reno) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	ENCLAVE/ASSOCIATE	NO	YES	NO	ALL	AF-31

Aircraft Movement: Outgoing to: Little Rock: 8-C130H

152 FS (Nellis) F15

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
0	15	REALIGN/ ASSOCIATE	N/A	N/A	N/A	N/A	AF-26

Aircraft Movement: Incoming from: Lambert Field: 9-F15

NY

105 AW (Stewart) C5A

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
12	12	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

106 RQW (Gabreski Apt) HC130P

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
9	9	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

107 ARW (Niagara) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	CLOSED	NO	YES	NO	ALL	AF-33

Aircraft Movement: Outgoing to: Bangor: 8-KC135

109 AW (Schenectady) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
4	0	REALIGNMENT	NO	YES	NO	1,2,3,4,5,6	AF-34

Aircraft Movement: Outgoing to: Little Rock: 4-C130

174 FW (Syracuse) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	15	Non-BRAC	N/A	N/A	N/A	6	NBP

Aircraft Movement:

OH

121 ARW (Rickenbacker) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
18	18	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

178 FW (Springfield) F16C/D (FTU)

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
18	0	ENCLAVE	NO	YES	NO	ALL	AF-40

Aircraft Movement: Outgoing to: DesMoines: 9-F16; Buckley: 3-F16; Lackland: 6-F16

179 AW (Mansfield) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	CLOSED	NO	YES	NO	ALL	AF-39

Aircraft Movement: Outgoing to: Maxwell: 4-C130; Little Rock: 4-C130

180 FW (Toledo) F16C/D CG

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	NO	YES	NO	1,2,3,5,6	AF-39; 50

Aircraft Movement: Incoming from: DesMoine: 9-F16

OK

137 AW (OK City) C21

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
0		REALIGNMENT	NO	YES	NO	ALL	AF-23

Aircraft Movement: Incoming from: AFFSA; 2

137 AW (OK City) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	ENCLAVE	NO	YES	NO	ALL	AF-23

Aircraft Movement: Outgoing to: Rosecram 4 C-130; Carswell 4 C-130

138 FW (Tulsa) F16C/D CG

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	NO	YES	NO	1	AF-18; 50

Aircraft Movement: Incoming from: DesMoine: 6-F16; Nellis: 3-F16

OR

142 FW (Portland) F15A/B

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE	NO	YES	NO	ALL	AF-41

Aircraft Movement: Outgoing to: New Orleans: 9-F15; Atlantic City: 6-F15

173 FW (Klamath) F15A/B/C

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
18	24	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

PA

111 FW (Willow Grove) A10A

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	CLOSED	NO	YES	NO	ALL	DON

Aircraft Movement: Outgoing to: Boise: 3-A10; Selfridge: 3-A10; Martin State: 3-A10; Retire: 6-A10

171 ARW (Pittsburgh) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
16	16	Non-BRAC	YES	N/A	N/A	N/A	

Aircraft Movement:

193 SOW (Harrisburg) EC130J

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
6	6	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

PR

156 AW

C130E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	8	Non-BRAC	NO	YES	NO	1,2,4,5	NBP

Aircraft Movement:

RI

143 AW (Quonset) C130J

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	11	REALIGNMENT	YES	NO	YES	N/A	AF-24; 35

Aircraft Movement: Incoming from: Martin State: 4-C130J; Little Rock: 1-C130J Outgoing: Retire 2 C-130

SC

169 FW (McEntire) F16CJ

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	24	REALIGNMENT	YES	NO	YES	5,6	AF-18

Aircraft Movement: Incoming from: Mountain Home: 9-F16

SD

114 FW (Foss) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	NO	N/A	N/A	N/A	AF-20; 32

Aircraft Movement: Incoming from: Cannon: 3-F16

TN

118 AW (Nashville) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	ENCLAVE	NO	YES	NO	ALL	AF-44

Aircraft Movement: Outgoing to: Peoria: 4-C130H; Louisville: 4-C130H

134 ARW (Knoxville) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	N/A	N/A	N/A	N/A	AF-5

Aircraft Movement: Incoming from: Beale: 4 KC-135; Birmingham: 4 KC-135; Key Field: 3 KC-135; March 1 KC-

164 AW (Memphis) C5

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
4	8	REALIGNMENT	N/A	N/A	N/A	N/A	

Aircraft Movement:

TX

136 AW (Carswell) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	YES	1	

Aircraft Movement: Incoming from: Will Roger: 4-C130H

147 FW (Ellington) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE	NO	YES	NO	1,2,3,4	AF-45

Aircraft Movement: Outgoing to: Retire: 15-F16

149 FW (Lackland) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
18	24	REALIGNMENT	NO	YES	YES	1	AF-46

Aircraft Movement: Incoming from: Springfield: 6-F16

UT

151 ARW (Salt Lake Cty) KC-135E

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	8	Non-BRAC	N/A	N/A	N/A	N/A	

Aircraft Movement:

VA

192 FW (Richmond) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	0	ENCLAVE	NO	YES	YES	N/A	AF-50

Aircraft Movement: Outgoing to: DesMoines: 6-F16; Homestead: 3-F16; BAI: 6-F16

VT

158 FW (Burlington) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	YES	YES	YES	6	AF-25

Aircraft Movement: Incoming from: Atlantic City: 3-F16

WA

141 ARW (Fairchild) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	ENCLAVE	NO	YES	NO	ALL	AF-51

Aircraft Movement: Outgoing to: Sioux: 8-KC135

WI

115 FW (Truax Field) F16C/D

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
15	18	REALIGNMENT	N/A	N/A	N/A	N/A	AF-32

Aircraft Movement: Incoming from: Cannon: 3-F16

128 ARW (Milwaukee) KC-135R

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
9	12	REALIGNMENT	NO	N/A	N/A	N/A	AF-282

Aircraft Movement: Incoming from:

WV

130 AW (Charleston) C130H

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	0	ENCLAVE	NO	YES	NO	ALL	

Aircraft Movement: Outgoing to:

167 AW (Martinsburg) C5

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
0	10	REALIGNMENT	N/A	N/A	N/A	N/A	

Aircraft Movement:

WY

153 AW (Cheyenne)

C130H MAFFS

Current PA	BRAC PA	BRAC Recommendation	IAW BRA	Programmatic	Governor/State Consent	Reason Code	Reference
8	12	REALIGNMENT	NO	YES	N/A	1,2,3	

Aircraft Movement: Incoming from: Boise: 4 C-130