

Proposed Transfer of Space Aligned National Guard Units

May 14, 2024

On March 29, 2024, the Secretary of the Air Force (SECAF) submitted a legislative [proposal \(LP480\)](#) asking Congress to allow transfer of “covered space functions” of the Air National Guard (ANG) to the U.S. Space Force (USSF) and waive [32 U.S.C. §104\(c\)](#) and [10 U.S.C. §18238](#), which generally require state governors to approve changes in the organization, allotment, relocation, or withdraw of National Guard units within their states. The National Guard Bureau (NGB) (the federal agency responsible for administration of the National Guard), governors from 50 states and 5 U.S. territories, and others oppose LP480. Congress may consider whether to accept, reject, or modify LP480 as part of the FY2025 National Defense Authorization Act (NDAA).

Background

The [FY2020 NDAA](#), P.L. 116-92, Subtitle D, established USSF as an armed service within the Department of the Air Force (DAF). Upon USSF [establishment](#) in 2019, space functions of the Air Force, and the Departments of the Army and Navy, transferred to the USSF. Some space functions remained in the Air National Guard (ANG). Congress has not enacted legislation to transfer space functions from the ANG to the USSF or to establish a Space National Guard.

[FY2024 NDAA, Section 924](#), directed the Secretary of Defense to study “the feasibility and advisability of transferring the space components of the Air National Guard to the Space Force,” and address three courses of action (1) maintaining the current model with ANG units and personnel performing space functions; (2) transferring ANG space functions, including units and personnel, to the USSF; and (3) establishing a Space National Guard. The resulting [study](#), dated April 2024, recommends “transfer of covered space functions from the ANG to the Space Force,” including nine units totaling 578 positions in six states (see [Table 1](#)).

Table 1. DAF Recommended Air National Guard Units for Space Force Transfer

Unit	Base	State
213rd Space Warning Squadron	Clear Space Force Station	Alaska

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IN12377

Unit	Base	State
148th Space Operations Squadron	Vandenberg Space Force Base	California
216th Electronic Warfare Squadron	Vandenberg Space Force Base	California
137th Space Warning Squadron	Greeley Air National Guard Station	Colorado
138th Electronic Warfare Squadron	Peterson Space Force Base	Colorado
114th Electronic Warfare Squadron	Cape Canaveral Space Force Station	Florida
109th Electronic Warfare Squadron	Joint Base Pearl Harbor-Hickam	Hawaii
150th Electronic Warfare Squadron	Pacific Missile Range Facility	Hawaii
126th Intelligence Squadron	Springfield Air National Guard Base	Ohio

Source: DAF Report to Congressional Committees, “Report on the Feasibility of the Consolidation or Transfer of Space Functions of the National Guard to the Space Force,” April 2024.

Notes: The DAF analyzed eleven units and recommended the above nine units for transfer to the Space Force.

Legislative Proposal 480 (LP480)

According to the DAF study, “at the request of the Congressional defense committees, a legislative proposal [LP480] to accomplish the transfer has been provided for [Congress].” LP480, if enacted, would allow the transfer of “covered space functions” and personnel of the ANG to the USSF waiving the consent of state governors, and the consent of the district commanding general of the National Guard per [10 U.S.C. §18238](#), in the case of District of Columbia units.

[FY2024 NDAA, Section 924 \(e\)](#) and [LP 480 Section \(j\)](#), define “covered space functions” as “all Federal missions, units, personnel billets, equipment, and resources of the Air National Guard associated with performance of core space-related functions of the Space Force or other related functions integral to the mission of the Space Force that is (as determined by the Secretary of the Air Force, in consultation with the Chief of Space Operations)—(1) a core space-related function of the Space Force; or (2) otherwise integral to the mission of the Space Force.”

LP480 would increase USSF end strength by the number of billets transferred and decreasing ANG end strength by an equivalent amount in relevant fiscal years.

LP480 would authorize the Secretary to (1) change a transferred ANG unit’s status to USSF; (2) deactivate the unit; or (3) assign the unit a new federal mission. Changing a unit’s mission would require 120-day notice and delay before DAF could move “any of the Space Force units, equipment, or billets out of the affected state.” LP480 would direct the Secretary to establish Space Force units as “tenant units on ANG installations.” If Congress adopts LP480, the DAF projects a [\\$442.3 million](#) shift in funds between the USSF, USAF, and ANG over five years. The DAF study estimates “less than 3% of the ANG billets in any of the six states would be affected.”

In correspondence with Utah Governor [Spencer Cox](#), National Governors Association (NGA) Chair, and separately with Colorado Governor [Jared Polis](#), NGA Vice Chair, SECAF Frank Kendall states that “[LP480] would facilitate a one-time transfer of certain missions into the [USSF],” and “does not authorize the transfer of any other units from the National Guard, nor is it meant to set a precedent for the transfer of any other units or disregard the critical role of Governors.”

Differing Perspectives

Opponents of LP480 include governors from all [50 states and 5 territories](#). Of these, 53 state and territory governors signed a joint [letter](#) from the National Governor’s Association arguing LP480 “disregards gubernatorial authorities regarding the National Guard” and “undermines longstanding partnerships, precedence, military readiness and operational efficacy,” impacting relationships between governors and the Department of Defense (DOD) “at a time when [governors] need to have full trust and confidence between [governors and DOD] to meet growing threats posed by the era of strategic competition as well as natural disasters.” The Governors of [Florida](#) and [Texas](#) sent letters with similar arguments.

The National Guard Association of the United States (NGAUS) [reported](#) that “(s)urveys of Air National Guard space professionals indicate that most do not want to transfer to the Space Force. Many are part-time members with civilian jobs in high-tech fields.” NGAUS President, Major General Francis M. McGinn, reportedly said many of them do not want to serve full time and do not want to be subject to moving. One ANG leader reportedly [said](#) a survey of affected servicemembers found 70% would rather retrain or retire than be transferred into the active-duty Space Force. National Guard leaders also reportedly [estimate](#) the number of affected space personnel could be closer to 1,000 National Guard members.

Issues for Congress

As written in LP480, the DAF recommendation to transfer ANG space units to the USSF could not be implemented without congressional waiver of statutory provisions that require gubernatorial consent. Congress would also need to consider whether to authorize and appropriate funding to facilitate transfer of members, missions, and associated equipment to the USSF. Congress may consider whether to accept, amend, or reject DOD’s proposal. Congress could consider the DAF’s alternative options and could consider how the implementation of the [Space Force Personnel Management Act](#) (FY2024 NDAA (P.L. 118-31)) could apply to National Guardsmen assigned to space functions. Congress could also initiate further reviews of policy implications through hearings or studies.

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